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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 11—Missouri Plant Law Quarantines

EMERGENCY RULE

2 CSR 70-11.050 Emerald Ash Borer Intrastate Quarantine

PURPOSE: *This rule prevents the spread of a serious insect pest, known as the Emerald Ash Borer, **Agrilus planipennis** Fairmaire, to other uninfested areas of the state of Missouri, and other states, and to establish those articles and areas which are to be regulated.*

EMERGENCY STATEMENT: *The Emerald Ash Borer, **Agrilus planipennis** Fairmaire, native to Asia, was discovered in Southeast Michigan in 2002 and has since been found to be established in ten (10) total U.S. states and parts of Canada. It was discovered in Wayne County, Missouri in July of 2008. This pernicious insect pest of ash trees has killed nearly all ash trees in many municipalities, parks, and woodlands in the infested areas in the United States and Canada, requiring the expensive removal of these dead hazard trees and decimating one (1) of the nations most desirable landscape, shade, and street trees. In Missouri it makes up three percent (3%) of our natural woodlands, but constitutes fourteen percent (14%) of street trees, twenty-one percent (21%) of trees in urban parks, and over thirty percent (30%) of trees in some parks and residential subdivisions. This percentage is much greater at high-profile Missouri landmarks such as the Jefferson National Expansion Memorial*

*(Gateway Arch) and Forest Park in St. Louis. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The Department of Agriculture, Plants Industries Division, believes this emergency rule is fair to all interested persons and parties under the circumstances. If this emergency rule is not enacted, then the United States Department of Agriculture will quarantine the entire state of Missouri for Emerald Ash Borer regulated articles, unnecessarily impeding a \$250 million+-per-year nursery and landscape industry and a \$4 billion-per-year forest products industry. This emergency rule was filed August 18, 2008, effective August 28, 2008, expires February 26, 2009.*

(1) It has been determined that the Emerald Ash Borer, native to Asia, and a prolific and destructive pest of ash (*Fraxinus* spp.) has become established in Missouri. To date, it is estimated that this pest has destroyed nearly fifty (50) million ash trees in North America. It is not yet known to be generally distributed throughout the state of Missouri, and its introduction into the remainder of the state would cause further economic and ecological loss. As such, the state entomologist, under the authority of section 263.140, RSMo, of the Missouri Plant Law does now establish a quarantine to prevent the spread of this pest into uninfested parts of Missouri and other states, and now sets forth the name of this pest against which the quarantine is established, the quarantined area, the articles regulated, the rules governing movement of regulated articles, and the penalty.

(2) The following definitions shall apply to this quarantine:

(A) Bark means the natural bark of a tree, including the ingrown bark around the knots and bark pockets between rings of annual growth and an additional one-half (½)-inch of wood, including the vascular cambium;

(B) Certificate of Inspection is a document authorized to be issued by the director to allow the movement of regulated articles from the quarantined area to destinations within the state of Missouri;

(C) Compliance Agreement is a written agreement between the director and a person or entity moving regulated articles out of the quarantined area;

(D) Director is the director of the Missouri Department of Agriculture or his or her authorized representative;

(E) Emerald Ash Borer is the insect classified as *Agrilus planipennis* Fairmaire (Coleoptera: Buprestidae) in any life stage;

(F) Established refers to the presence of a reproducing population of Emerald Ash Borer; and

(G) Inspector refers to an employee of the Missouri Department of Agriculture Plant Pest Control Bureau or United States Department of Agriculture-Animal and Plant Health Inspection Service-Plant Protection and Quarantine (USDA-APHIS-PPQ) authorized to enforce the provisions of this quarantine.

(3) The following is a list of articles, the movement of which is regulated:

(A) The Emerald Ash Borer, *Agrilus planipennis* Fairmaire, in any living stage of development;

(B) Firewood of any non-coniferous (hardwood) species with bark as described in subsection (2)(A);

(C) Nursery stock, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips of the genus *Fraxinus*;

(D) Any item made from or containing ash wood that is capable of spreading the Emerald Ash Borer; and

(E) Any article, product, or means of conveyance when it is determined by the director to present the risk of spread of the Emerald Ash Borer.

(4) The counties listed below are designated as quarantined areas. In addition, the director may designate any area as quarantined for the Emerald Ash Borer in the future.

(A) All of Wayne County.

(5) The following are conditions of movement of regulated articles:

(A) The sale and/or movement of all ash nursery stock within or out of the quarantined area is prohibited under all conditions;

(B) Regulated articles listed in section (3) (with the exception of ash nursery stock) may be moved from a quarantined area to a destination within Missouri only under the following circumstances:

1. With a current compliance agreement with the director when a Certificate of Federal/State Domestic Plant Quarantines accompanies each shipment; or

2. With a Limited Permit for the Movement of Non-Certified Articles when a current compliance agreement with the director is in place and a copy of the limited permit accompanies each shipment; or

3. Without a certificate or limited permit when the regulated article is moved by an employee of the USDA-APHIS-PPQ (when authorized by the state plant health director of Missouri) or an employee of the Missouri Department of Agriculture (when authorized by the state entomologist) for experimental or scientific purposes; or

4. Without a certificate or limited permit if the article originates from and is destined to a point outside of the quarantined area under the following conditions:

A. The points of origin and destination are indicated on a waybill accompanying the regulated article; and

B. The regulated article, if moved through the quarantined area during the period of March 16 through September 30, or when the ambient air temperature is forty degrees fahrenheit (40°F) or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the Emerald Ash Borer; and

C. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs) or has been stored, packed, or handled at locations approved by the state entomologist as not posing a risk of infestation by Emerald Ash Borer; and

D. The article has not been combined or commingled with other articles so as to lose its individual identity.

(6) Regulated articles transported in violation of this quarantine must be treated, destroyed, or returned to the point of origin at the discretion of the state entomologist. Common carriers or other carriers, persons, firms, or corporations who transport or move regulated articles in violation of this quarantine and these rules will be subject to the penalties named in section 263.180, RSMo, of the Missouri Plant Law.

(7) These rules are distinct from, and in addition to, any federal statute, regulation, or quarantine order addressing the interstate movement of articles from the quarantined area or the state of Missouri.

AUTHORITY: sections 263.040, 263.050, and 263.180, RSMo 2000. Emergency rule filed Aug. 18, 2008, effective Aug. 28, 2008, expires Feb. 26, 2009.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2007.

EXECUTIVE ORDER 08-26

WHEREAS, the severe storms and subsequent flooding that began on June 1, 2008, created a condition of distress and hazards to the safety and welfare of the citizens of the state of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, Executive Order 08-20 was issued on June 11, 2008, declaring a State of Emergency within the state of Missouri; and

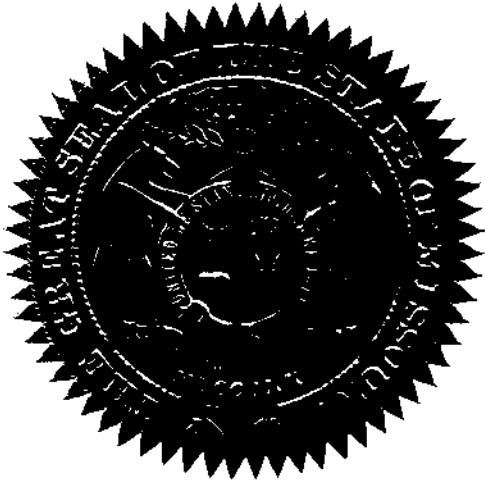
WHEREAS, Executive Order 08-21 was issued on June 20, 2008, authorizing the Director of the Missouri Department of Natural Resources to waive or suspend temporarily the operation of statutory or administrative rules or regulations in order to expedite the cleanup and recovery process; and

WHEREAS, Executive Order 08-23 was issued on July 11, 2008, authorizing the extension of the authority granted to the Director of the Missouri Department of Natural Resources to waive or suspend temporarily the operation of statutory or administrative rules or regulations in order to expedite the cleanup and recovery process; and

WHEREAS, Executive Order 08-25 was issued on July 28, 2008, authorizing the extension of the authority granted to the Director of the Missouri Department of Natural Resources to waive or suspend temporarily the operation of statutory or administrative rules or regulations to expedite the cleanup and recovery process; and

WHEREAS, communities in the state of Missouri continue their flood recovery efforts.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby extend the order contained in Executive Orders 08-21, 08-23 and 08-25 through November 30, 2008, for the purpose of continuing the cleanup efforts following flooding in the affected Missouri communities.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29th day of August, 2008.

A handwritten signature in black ink, reading "Matt Blunt". The signature is written in a cursive style with a large, prominent "M".

Matt Blunt
Governor

ATTEST:

A handwritten signature in black ink, reading "Robin Carnahan". The signature is written in a cursive style with a large, prominent "R".

Robin Carnahan
Secretary of State

EXECUTIVE ORDER

08-27

Whereas, I have been advised by the Director of the State Emergency Management Agency that the state of Louisiana is requesting assistance under the Emergency Management Assistance Compact (EMAC) in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri; and

Whereas, the state of Louisiana has asked Missouri to provide any necessary support, to include, personnel, equipment, and resources, pursuant to EMAC in order to provide for the efficient operation of this relocation effort; and

Whereas, this relocation effort is necessary to help relieve the condition of distress and hazard to the safety and welfare of our fellow Americans; and

Whereas, it is beyond the capabilities of Louisiana to effectively handle the large numbers of disaster victims; and

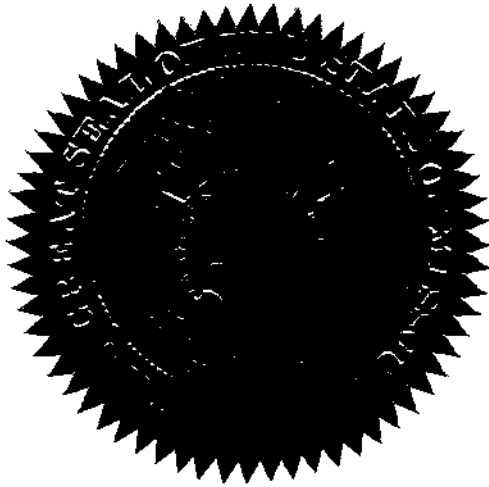
Whereas, the influx of large numbers of disaster victims from Louisiana will have a significant impact on the citizens and resources of Missouri; and

Whereas, the EMAC is designed to protect of the safety and welfare of the citizens in the affected EMAC states.

Now, Therefore, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that Missouri will implement the EMAC with the state of Louisiana to provide assistance with the evacuation of disaster victims associated with Hurricane Gustav. I do hereby direct the Missouri State Emergency Management Agency to activate the EMAC plan and the applicable sections of the Missouri State Emergency Operations Plan.

I further authorize the use of state agencies to provide support to this relocation effort, as needed.

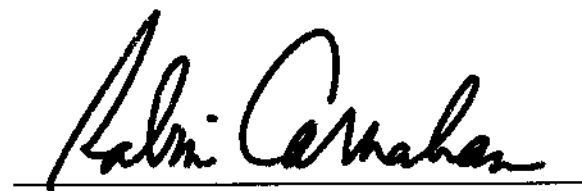
This order shall terminate on September 30, 2008, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 30th day of August, 2008.


Matt Blunt
Governor

ATTEST:


Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-28**

Whereas, I have been advised by the Director of the State Emergency Management Agency that the state of Louisiana is requesting assistance under the Emergency Management Assistance Compact (EMAC) in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri; and

Whereas, the state of Louisiana has asked Missouri to provide any necessary support, to include, personnel, equipment, and resources, pursuant to EMAC in order to provide for the efficient operation of this relocation effort; and

Whereas, this relocation effort is necessary to help relieve the condition of distress and hazard to the safety and welfare of our fellow Americans; and

Whereas, it is beyond the capabilities of Louisiana to effectively handle the large numbers of disaster victims, and the influx of large numbers of disaster victims from Louisiana will have a significant impact on the citizens and resources of Missouri; and

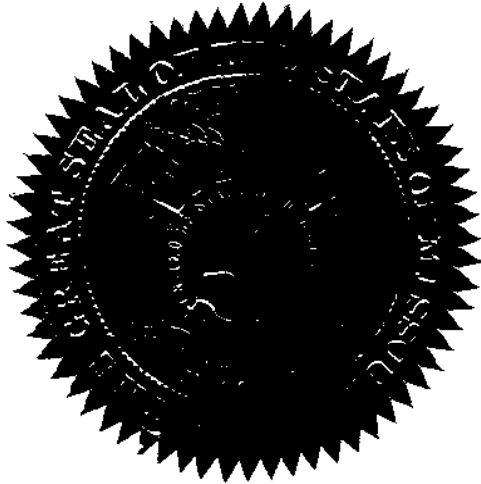
Whereas, the EMAC is designed to protect of the safety and welfare of the citizens in the affected EMAC states; and

Whereas, the protection of the safety and welfare of the citizens of the state requires the invocation of Section 41.480, RSMo.

Now, Therefore, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the state of Missouri, including Section 41.480.2, RSMo, order and direct the Adjutant General of the state of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this state.

I further authorize the use of state agencies to provide support to this relocation effort, as needed.

This order shall terminate on September 30, 2008, unless extended in whole or in part.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 30th day of August, 2008.

A handwritten signature in black ink that reads "Matt Blunt".

Matt Blunt
Governor

A handwritten signature in black ink that reads "Robin Carnahan".

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules**

PROPOSED RULE

2 CSR 70-40.005 Treated Timber Definitions

PURPOSE: This rule defines terms used throughout the Treated Timber Law.

(1) American Wood Protection Association (AWPA)—Non-profit organization which is responsible for promulgating voluntary wood preservation standards.

(2) Chromated copper arsenate (CCA)—Waterborne wood preservative that is primarily used for the treatment of utility poles and fence

posts. Use of this preservative for residential use was banned by the Environmental Protection Agency in 2003.

(3) Copper azole—Waterborne wood preservative that was introduced into Missouri in 2004 following the ban on CCA. Primary components of preservative are copper and tebuconazole. Product is used in the treatment of decking, dimensional lumber, and landscape timbers.

(4) Copper naphthenate—Copper based wood preservative that has a distinctive dark green color. Product is typically mixed with diesel fuel or P-9 oil and is used in treatment of utility poles, landscape timbers, fence posts, and rough sawn lumber.

(5) Core sample—Small, thin cylinder of wood created by increment boring and utilized to determine treatment levels in treated wood products.

(6) Creosote—Wood preservative distilled from coal tar. Product has a dark brown to black color with a characteristic odor and is used in the treatment of railroad ties, utility poles, and fence posts.

(7) End tag—Waterproof label that should be attached to all treated wood products sold to Missouri consumers. Label is required to possess information indicating the name and address of wood treater, what type of wood preservative is used, the level of treatment, and any other information required by the director.

(8) International Code Council Evaluation Service (ICC-ES)—Non-profit, public benefit corporation that performs technical evaluations of building products, components, methods, and materials including wood preservative systems.

(9) Penetration—Refers to the depth in which wood preservatives penetrate the wood after treatment. It is typically measured in inches.

(10) Pentachlorophenol—Wood preservative that is a synthetic chlorinated hydrocarbon. Product is typically mixed with diesel fuel or P-9 oil and is used in the treatment of utility poles, landscape timbers, fence posts, and rough sawn lumber.

(11) Regulatory sample—Core samples collected by a representative of the Missouri Department of Agriculture for the purpose of determining compliance with the treating standards associated with the Missouri Treated Timber Law.

(12) Retention—The amount of wood preservative retained in the outer zone of wood after treatment. It is typically measured in pounds per cubic foot (pcf) of wood.

(13) Service sample—Core or solution samples collected by a representative of the Missouri Department of Agriculture or other competent party approved by the Missouri Department of Agriculture for the purpose of determining retention, penetration, or solution concentrations. Information obtained from these types of samples has no impact on sample conformance rates of treating companies and is only intended for informational purposes.

AUTHORITY: section 280.050, RSMo 2000. Original rule filed Aug. 27, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities

more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Forest Resources Program, Jimmy Williams, Program Coordinator, PO Box 630, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

PROPOSED RULE

9 CSR 30-4.0431 Integrated Dual Disorders Treatment Programs

PURPOSE: *This rule sets forth standards and regulations for the provision of integrated dual disorders treatment services in community psychiatric rehabilitation programs for adults.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Integrated Dual Disorders Treatment (IDDT) is a highly specialized program integrating substance abuse treatment with community psychiatric rehabilitation treatment for individuals with co-occurring psychiatric and substance use disorders. IDDT is a practice based on evidence and research for individuals with serious mental illness and substance use disorders.

(2) Agencies certified as Community Psychiatric Rehabilitation (CPR) providers may offer further specialized treatment for co-occurring psychiatric and substance use disorders and shall use the *Co-occurring Disorders: Integrated Dual Disorders Treatment (IDDT) Implementation Resource Kit* published by the Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services at PO Box 42557, Washington, DC 20015 Evaluation Edition 2003, to implement integrated treatment for individuals with co-occurring psychiatric and substance use disorders. A copy of the IDDT Implementation Resource Kit is available at the Division of Comprehensive Psychiatric Services, Missouri Department of Mental Health and a copy may be obtained by contacting the Division of Comprehensive Psychiatric Services. The IDDT Implementation Resource Kit that is incorporated by reference with this rulemaking does not include any later amendments or additions.

(3) The agency shall have policies approved by the governing body as defined in 9 CSR 10-7.090 that are consistent with the provision of effective evidence based interventions to guide the co-occurring services and be consistent with the IDDT model of treatment.

(4) Admission Criteria. Persons meeting criteria for this level of service must meet admission criteria as defined in 9 CSR 30-4.042 and must have a co-occurring substance use disorder.

(A) Individuals shall receive screening for mental health and substance use/abuse disorders using the department-approved screening tools.

(B) If individuals present with both mental health and substance use identified service needs, the individuals shall receive an integrated assessment identifying service needs as well as stage of readiness for change.

(5) Personnel and Staff Development. IDDT shall be delivered by a multidisciplinary team responsible for coordinating a comprehensive array of services available to the individual through CPR with the amount of frequency of service commensurate with the individual's assessed need.

(A) The multidisciplinary team shall include, but is not limited to, the following individuals:

1. A physician or an advanced practice nurse;
2. A registered professional nurse;
3. A qualified mental health professional as defined in 9 CSR 30-4.030(2)(HH);
4. Additional staff sufficient to provide community support, and specialized housing and employment services;
5. A qualified substance abuse professional as defined in 9 CSR 10-7.140(2)(RR).

(B) The multidisciplinary treatment team shall meet regularly to discuss each individual's progress and goals and provide insights and advice to one another.

(C) Multidisciplinary team members shall receive ongoing training in IDDT and shall have a training plan that addresses specific IDDT criteria, including co-occurring disorders, motivational interviewing, stage-wise treatment, cognitive behavioral interventions, and substance use disorders treatment.

(D) The number of IDDT teams shall be determined by the needs and number of individuals being supported.

(E) Only qualified staff shall provide IDDT treatment services. Qualified staff for each service shall include:

1. For individual counseling, group counseling, and assessment, a qualified mental health professional as defined in 9 CSR 30-4.030(2)(HH) or a qualified substance abuse professional as defined in 9 CSR 10-7.140(2)(RR);

2. For group education, an individual supervised by a qualified mental health professional as defined in 9 CSR 30-4.030(2)(HH) or a qualified substance abuse professional as defined in 9 CSR 10-7.140(2)(RR); and

3. Qualified mental health professionals and qualified substance abuse professionals shall meet the co-occurring counselor competency requirements as approved by the department.

(6) Treatment.

(A) IDDT shall be delivered according to the IDDT criteria and will be time unlimited with the intensity modified according to level of need and degree of recovery; shall include interventions to promote physical health; and shall target specific services to individuals who do not respond to treatment.

(B) In addition to eligible CPR services, IDDT services include the following:

1. Co-occurring individual counseling. A structured goal-oriented therapeutic process in which an individual interacts on a face-to-face basis with a counselor in accordance with the individual's rehabilitation plan in order to resolve problems related to the individual's documented mental disorders and substance use disorders that interfere with functioning. Individual co-occurring counseling involves the use of practices such as motivational interviewing, cognitive behavioral therapy, harm reduction, and relapse prevention. Individual co-occurring counseling may include face-to-face interaction with one (1) or more members of the individual's family for the purpose of assessment or supporting the individual's recovery;

2. Co-occurring group counseling. Face-to-face goal oriented therapeutic interaction among a counselor and two (2) or more individuals as specified in individual rehabilitation plans designed to promote individual self-understanding, self-esteem, and resolution of personal problems related to the individual's documented mental

disorders and substance use disorders through personal disclosure and interpersonal interaction among group members. Group size shall not exceed ten (10) individuals;

3. Co-occurring group education. Informational and experiential services designed to assist individuals, family members, and others identified by the individual as a primary natural support, in the management of the substance use and mental health disorders. Services are delivered through systematic, structured, didactic methods to increase knowledge of mental illnesses and substance use disorders. This includes integrating affective and cognitive aspects in order to enable the participants, consumers as well as family members, to cope with the illness and understand the importance of their individual plan of care. The primary goal is to restore lost functioning and promote reintegration and recovery through knowledge of one's disease, symptoms, understanding of the precursors to crisis, crisis planning, community resources, recovery management, and medication action and interaction. Group size shall not exceed twenty (20) individuals;

4. Co-occurring assessment supplement. Individuals suspected of having co-occurring substance use disorders and mental health disorders must receive additional assessments to document the co-occurring disorders and assess the interaction of the co-occurring disorders over time. The completion of the co-occurring assessment shall be documented by the submission to the department of data required by the department and the development of a comprehensive integrated treatment plan to address problems related to the co-occurring disorders;

5. The agency shall arrange for referrals for detoxification or hospitalization services when appropriate;

6. The agency shall provide housing and vocational services consistent with the IDDT model; and

7. Other services as appropriate.

(C) Staff shall help individuals in the engagement and persuasion stages recognize the consequences of their substance use, resolve ambivalence related to their addiction, and introduce them to self-help principles. Individuals in the active treatment or relapse prevention stage are assisted to connect with self-help programs in the community.

(D) Families and significant others shall receive education and, as appropriate, be involved in therapy.

(7) Records.

(A) An integrated treatment plan shall be developed by the multidisciplinary team and shall include participation of the individual receiving services.

(B) The treatment plan shall address mental health and substance abuse treatment strategies that involve building both skills and supports for recovery.

(C) Interventions shall be consistent with, and determined by, the individual's identified stage of treatment.

(8) Quality Improvement. The agency's quality improvement plan shall include monitoring compliance with the provider's IDDT program; identifying and measuring the individual's satisfaction and outcomes; and self-assessing fidelity to the IDDT model.

AUTHORITY: sections 630.050, 630.655, and 632.050, RSMo 2000. Original rule filed Sept. 2, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of

the Director, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand delivered, comments must be brought to the Department of Mental Health, 1706 E. Elm Street, Jefferson City, Missouri 65101. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

PROPOSED RESCISSION

10 CSR 10-5.290 More Restrictive Emission Limitations for Particulate Matter in the South St. Louis Area. This rule provided for more restrictive emission limitations for an area in South St. Louis and St. Louis County which has been characterized by ambient levels of particulate and sulfur dioxide in excess of the national ambient air quality standards. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule sets more restrictive fugitive particulate limitations for the South St. Louis Area. It also sets operating conditions and time schedules for by-product coke ovens at 526 East Catalan St. This rule is proposed for rescission because the location of the coke ovens which is referenced has been out of business and inoperable since 1988. The section of the rule which discusses the more restrictive fugitive particulate rule is redundant to 10 CSR 10-6.170. By removing this outdated rule, the *Code of State Regulations* will become less confusing and cumbersome. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a letter from the City of St. Louis Department of Health, Air Pollution Control dated September 18, 2007, a memorandum MO 44 from EPA dated June 20, 1986, and an email from the St. Louis Development Corporation dated May 22, 2008.

AUTHORITY: section 643.050, RSMo 1994. Original rule filed Feb. 27, 1978, effective Dec. 11, 1978. Amended: Filed Nov. 10, 1981, effective May 13, 1982. Amended: Filed March 14, 1985, effective Aug. 26, 1985. Rescinded: Filed Aug. 21, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., December 4, 2008. The public hearing will be held at the Governor Office Building, Room 450, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176,

(573) 751-4817. Interested persons, whether or not heard, may submit a written statement or email statement of their views until 5:00 p.m., December 11, 2008. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.070 New Source Performance Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2008 (33 MoReg 908-909). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-6.075 Maximum Achievable Control Technology
Regulations is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2008 (33 MoReg 909-910). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-6.080 Emission Standards for Hazardous Air
Pollutants is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2008 (33 MoReg 910). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 7—Blasting**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 319.306, RSMo Supp. 2007, the division adopts a rule as follows:

**11 CSR 40-7.010 Blasting—Licensing, Registration,
Notification, Requirements, and Penalties is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2008 (33 MoReg 976-984). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **January 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 301.553, RSMo 2000 and section 301.560, RSMo Supp. 2007, the director amends a rule as follows:

**12 CSR 10-26.010 Bona Fide Established Place of Business
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1153–1156). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 301.553, RSMo 2000 and section 301.560, RSMo Supp. 2007, the director amends a rule as follows:

12 CSR 10-26.040 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1157). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 7—Market Conduct Analysis**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.202 to 374.207, RSMo 2000 and section 374.185, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 100-7.002 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2008 (33 MoReg 915–916). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 12, 2008, and the comment period ended at 5:00 p.m. on June 12,

2008. At the public hearing and in written comments, department staff explained the proposed rule, made comments in support of the proposed rule, and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of American Family Insurance Group, American Council of Life Insurers (ACLI), Property Casualty Insurers Association of America, Division of Insurance Market Regulation, Missouri Insurance Coalition (MIC), State Farm Insurance Companies, and American Insurance Association made comments regarding the rule.

COMMENT #1: David Monaghan, on behalf of American Family Insurance, and Raymond T. Sheldon, on behalf of State Farm Insurance Companies, commented that the definition of “complaint” should be revised to be more consistent with state laws and regulations, current department practices in establishing complaint ratios, and National Conference of Insurance Legislators (NCOIL) standards. Section 375.936(3), RSMo, and 20 CSR 300-2.200 define a “complaint” as “any written communication expressing a grievance.” The department develops and publishes a Consumer Complaint Index (which is commonly referred to as a complaint ratio) that is based on the number of written complaints received by the department. The term “complaint ratio” is also used in the proposed rules. The NCOIL Market Conduct Surveillance Model Law defines a “complaint” as a document or communication “to the Insurance Department.” As for health companies, the communication must be in writing. Mr. Monaghan suggested the definition of “complaint” be revised to mean written communications submitted to the department. Mr. Monaghan continued to comment that, while the new definition of “complaint” in the proposed rules would not modify current law and regulations or necessarily have any impact on how the department develops a Consumer Complaint Index, the proposed definition may cause some confusion without any corresponding benefit. The adoption of the proposed definition of “complaint” suggests that the department would develop one (1) set of complaint ratios for consumers to base purchasing decisions on and another set of complaint ratios to assist in determining whether to institute a market conduct examination.

Bryan Cox, on behalf of the American Council of Life Insurers (ACLI), echoed Mr. Monaghan’s comment and stated that this would be consistent with the NCOIL Model and SB 1029, introduced in the General Assembly this year.

Steve Schneider, on behalf of the American Insurance Association, and Calvin Call and Brent Butler, on behalf of the Missouri Insurance Coalition (MIC), commented that “complaint” should only include written communications.

Joe M. Woods, on behalf of Property Casualty Insurers Association of America, commented that section 375.936(3), RSMo, and 20 CSR 300-2.200 define complaint as “any written communication expressing a grievance.” Mr. Woods requested that the department maintain consistency in the law to avoid future confusion or unwarranted litigation by changing the definition of “complaint” in proposed 20 CSR 100-7.002 to read “any written communication expressing a grievance” or simply adopt the definition of “complaint” in 20 CSR 300-2.200 by reference.

Calvin W. Call and Brent K. Butler, on behalf of the Missouri Insurance Coalition (MIC), commented that subsection (2)(B) would be consistent with other states by deleting references to oral communications and clarifying that complaints must be based on written communications to the department. This would provide a clear standard for determining when complaints against an insurer or producer would rise to the level of warranting an examination.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment, in part, and has modified the definition of “complaint” to limit it to “. . . written or oral communications received by the department primarily expressing a grievance . . .” The department receives many grievances “orally” via our consumer services hotline. Sometimes consumers do not want to file a written grievance. Limiting “complaint” to written complaints would greatly skew the number of grievances the department receives.

COMMENT #2: Bryan Cox, on behalf of the American Council of Life Insurers (ACLI), commented that Missouri does have some confidentiality provisions for the documentation and material gathered in market conduct examinations, but that the inclusion of the “confidentiality” provisions of the NCOIL Model would be a positive addition to the proposals. Mr. Cox strongly urged the inclusion of section 7(a)–(d) Confidentiality Requirements from the NCOIL Model. **RESPONSE:** The director appreciates this suggestion; however, the concern has been addressed by inserting confidentiality language in proposed rule 20 CSR 100-7.005. No changes have been made to this rule in response to this comment.

COMMENT #3: Calvin W. Call and Brent K. Butler, on behalf of the Missouri Insurance Coalition (MIC), commented that, in subsection (2)(T), the term “third party model or product” is defined, but is not used anywhere in the chapter, so it is unnecessary to the proposed rule. Mr. Call and Mr. Butler requested that the department amend the proposed rule in accordance with their comments. **RESPONSE AND EXPLANATION OF CHANGE:** The director agrees with this comment and has modified the rule accordingly to delete the definition of “third party model or product.”

COMMENT #4: Carolyn H. Kerr, on behalf of the Market Conduct Examination Section, commented that the definition in 20 CSR 100-7.002(2)(C) of a “comprehensive market conduct examination” is inconsistent with the National Association of Insurance Commissioners (NAIC) definition in the NAIC Market Regulation Handbook, creating the potential for ambiguity and conflict. To make this definition consistent with the NAIC handbook, Ms. Kerr suggested the following changes be made:

“Comprehensive market conduct examination,” a full-scope examination that generally involves a review of all of a company’s business practices, including a review of the company’s operations/management, complaint handling, marketing and sales, advertising materials, licensing, policyholder service, underwriting and rating, tier classifications, nonforfeitures, policy forms and filings, compliance procedures and policies, claim handling, and other state-specific requirements; David Monaghan, on behalf of American Family Insurance, and Raymond Sheldon, on behalf of State Farm Insurance, expressed support for this proposed modification. **RESPONSE AND EXPLANATION OF CHANGE:** The director agrees with this comment and has modified the rule accordingly.

COMMENT #5: Bryan Cox, on behalf of the American Council of Life Insurers (ACLI), commented that Ms. Kerr’s suggested definition of “comprehensive market conduct examination” should be consistent with the NCOIL Model. Mr. Cox suggested that “comprehensive market conduct examination” be defined as “a review of one or more lines of business of an insurer domiciled in this state that is not conducted for cause. The term includes a review of rating, tier classification, underwriting, policyholder service, claims, marketing and sales, producer licensing, complaint handling practices, or compliance procedures and policies.” **RESPONSE:** The director appreciates this comment; however, no changes were made to the rule in response. Since the guiding document for market conduct analysis and examination under this regulation is the NAIC Market Regulation Handbook, it makes sense to use a definition drawn from the language of the handbook as Ms. Kerr suggests.

COMMENT #6: Carolyn H. Kerr, on behalf of the Market Conduct Examination Section, commented that the definition in 20 CSR 100-7.002(2)(E) of “desk examination” only refers to its use for a targeted examination. There is no reason a comprehensive examination could not be done in-house as a desk exam. Ms. Kerr suggested modifying the language as follows: “Desk examination,” a targeted or comprehensive examination that is conducted by an examiner . . .” **RESPONSE AND EXPLANATION OF CHANGE:** The director

agrees with this comment and has modified the rule to refer only to an examination rather than identifying a desk examination as a targeted or comprehensive examination.

COMMENT #7: Steve Schneider, on behalf of the American Insurance Association, commented that Ms. Kerr’s suggested change in Comment #6 regarding subsection (2)(E) “Desk Examination,” above, is confusing. He does not believe that any state could effectively conduct a comprehensive exam via a desk examination. This change very likely would place a burden on an insurer to ship excessive amounts of information to the Department of Insurance, Financial Institutions and Professional Registration (DIFP), and it could expose the insurer to security breach claims if that information was lost, mishandled (accidentally or intentionally), or otherwise jeopardized in transit, email, etc.

RESPONSE: The director appreciates this comment; however, the definition proposed by Ms. Kerr gives the department flexibility in accommodating company preferences regarding whether an examination is conducted on-site or as a desk examination.

COMMENT #8: Carolyn H. Kerr, on behalf of the Market Conduct Examination Section, commented, regarding 20 CSR 100-7.002(2)(G), that SB 788 (2008) renames the division the “Division of Insurance Market Regulation” rather than the term “Insurance Market Regulation Division” used in the proposed regulations. Ms. Kerr requests that this be corrected.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #9: Carolyn H. Kerr, on behalf of the Market Conduct Examination Section, commented, regarding 20 CSR 100-7.002(2)(J), that the NAIC definition of “market analysis” in the “Market Conduct Surveillance Model Law” discusses the analysis of sources to develop a baseline “understanding of the marketplace.” This definition leaves out that phrase, failing to define or explain what type of baseline the process aims to develop. Hence, this definition is inconsistent with that of the NAIC and should be changed as follows:

“Market analysis,” a process whereby market conduct surveillance personnel collect and analyze information from filed schedules, surveys, required reports, and other sources in order to develop a baseline understanding of the marketplace and to identify patterns or practices of insurers or companies licensed to do business in this state that deviate significantly from the norm or that may pose a potential risk to insurance consumers; **RESPONSE AND EXPLANATION OF CHANGE:** The director agrees with this comment and has modified the rule accordingly.

COMMENT #10: Steve Schneider, on behalf of the American Insurance Association, commented that Ms. Kerr’s suggestion in Comment #9 above, regarding the definition of “market analysis” and the addition of the phrase “understanding of the market place,” is vague and may introduce the possibility for greater subjectivity in interpretation. Mr. Schneider commented that this should not be a formal part of the Missouri regulatory scheme.

RESPONSE: The director appreciates this comment; however, the language appears in the NAIC Market Conduct Surveillance Model Law, the director incorporated it to be consistent with the NAIC model.

COMMENT #11: Calvin W. Call and Brent K. Butler, on behalf of Missouri Insurance Coalition, commented that a definition of “examination report” could be beneficial and that the NAIC Handbook may have an appropriate definition to use.

RESPONSE: The director appreciates this comment; however, proposed rule 20 CSR 100-8.018 adequately addresses the issue of what constitutes an examination report throughout the examination process. No changes have been made to this rule in response to this comment.

COMMENT #12: Steve Schneider, on behalf of American Insurance Association, commented that the extension of confidentiality protection to materials developed by insurers as part of a self-evaluative effort is needed and welcome. Confidentiality is crucial to the market surveillance process involving such extensive communications, materials, and data from insurer to regulator. While the Missouri law recognizes this framework, the proposed rule does not explicitly reference it. Mr. Schneider strongly encouraged the department to incorporate it into the proposal—perhaps citing section 374.205.4, RSMo, in 20 CSR 100-7.002(1), wherever appropriate.

RESPONSE: The director agrees with this comment and has modified proposed rule 20 CSR 100-7.005 in response by adding a new section (3). However, no changes have been made to this rule in response to this comment.

20 CSR 100-7.002 Scope and Definitions

(1) Applicability of Rules. The rules in this chapter apply to insurers and other companies transacting business in the state and examiners, analysts, and other staff within the division engaged in market conduct actions, and shall be read together with Chapter 536, RSMo.

(2) Definitions. As used in this chapter, the following terms shall mean:

(B) “Complaint,” a written or documented oral communication, received by the department, primarily expressing a grievance, meaning an expression of dissatisfaction with a specific insurance company or producer;

(C) “Comprehensive market conduct examination,” a full-scope examination that generally involves a review of the company’s operations/management, complaint handling, marketing and sales, advertising materials, licensing, policyholder service, underwriting and rating, tier classifications, nonforfeitures, policy forms and filings, compliance procedures and policies, claim handling, and other state-specific requirements;

(E) “Desk examination,” an examination that is conducted by an examiner at a location other than the company’s premises. A desk examination is usually performed at the department’s offices with the insurer providing requested documents by hard copy, microfiche, discs, or other electronic media, for review;

(G) “Division,” the Division of Insurance Market Regulation;

(J) “Market analysis,” a process whereby market conduct surveillance personnel collect and analyze information from filed schedules, surveys, required reports, and other sources in order to develop a baseline understanding of the marketplace and to identify patterns or practices of insurers or companies licensed to do business in this state that deviate significantly from the norm or that may pose a potential risk to insurance consumers;

(S) “Targeted examination,” a for-cause review of either a specific line of business or specific business practices, including, but not limited to, underwriting and rating, tier classification, marketing and sales, complaint handling operations or management, advertising materials, licensing, policyholder services, nonforfeitures, claims handling, policy forms and filings, or compliance procedures and policies. A targeted examination may be conducted by desk examination or by an on-site examination; and

(T) “Warrant,” a written order of the director commanding the division to conduct a market conduct examination.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 7—Market Conduct Analysis**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.190 to 374.205, RSMo 2000 and section 374.185, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 100-7.005 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2008 (33 MoReg 916). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 12, 2008, and the comment period ended at 5:00 p.m. on June 12, 2008. At the public hearing and in written comments, department staff explained the proposed rule, made comments in support of the proposed rule, and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of American Family Insurance Group, American Council of Life Insurers (ACLI), and Missouri Insurance Coalition (MIC) made comments regarding the rule.

COMMENT #1: David Monaghan, on behalf of American Family Insurance, commented that 20 CSR 100-7.005(2)(F) would require insurers to submit certain self-evaluation and compliance documents prior to the issuance of a warrant for an examination. The confidentiality provision of section 374.205, RSMo, would not apply to disclosure of such documents, because the documents are not disclosed during the course of an examination. Mr. Monaghan suggests that the department either delete subsection (2)(F) or revise the proposed rule to ensure that any insurer self-evaluation or compliance documents submitted prior to the issuance of a warrant receive the same confidentiality protections that the identical documents would receive if submitted after the issuance of a warrant. Calvin W. Call and Brent K. Butler, on behalf of Missouri Insurance Coalition, expressed a similar confidentiality concern and commented that, in subsection (2)(F), the division may review an insurer’s self-evaluation as a factor in determining whether a warrant for an examination should be issued. That may be an acceptable source of information for the division’s review; however, if the division reviews such a document, such document and the contents thereof must remain confidential. Mr. Call and Mr. Butler suggested that the following language be added to subsection (2)(F) to require the division to retain the confidentiality of any self-evaluation materials so reviewed: “Any such materials or documents reviewed by the division shall be treated as confidential in accordance with the provisions of subsection 4 of section 374.205, RSMo.” or delete subsection (2)(F) in total.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule to add a new section (3). The current section (3) will be renumbered as section (4).

COMMENT #2: Bryan Cox, on behalf of the American Council of Life Insurers, commented that the language “The commissioner shall select a market conduct action that is cost effective for the Insurance Department and the insurer, while still protecting the insurance consumer” be added. The concern is with future examinations that the most cost-effective actions will be used. Mr. Cox further commented that might involve correspondence rather than on-site action and only examining one (1) area rather than many company operations.

RESPONSE: The director appreciates this comment. The department has and continues to strive to make examinations as cost effective and efficient as possible. No changes have been made to this rule in response to the comment.

COMMENT #3: Department staff suggested that the purpose section

be modified to use a term defined by 20 CSR 100-7.002(2)(G).

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the purpose section accordingly.

20 CSR 100-7.005 Uniform Analysis and Continuum of Actions

PURPOSE: This rule implements the purposes of section 374.185, RSMo, and establishes uniform standards for the division utilizing market analysis to evaluate the market conduct of insurers and to develop cause for issuance of an examination warrant pursuant to sections 374.202 to 374.207, RSMo.

(3) Any such materials or documents reviewed by the division pursuant to section (2) of this rule shall be treated as confidential in accordance with the provisions of section 374.205.4, RSMo.

(4) The division shall take those steps reasonably necessary to eliminate requests for information that duplicate information provided as part of an insurer's annual financial statement, the annual NAIC market conduct statement, or other required schedules, surveys, or reports regularly submitted to the director, unless the information is state specific.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 100—Insurer Conduct

Chapter 8—Market Conduct Examination

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.202–374.207, RSMo 2000 and section 374.185, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 100-8.002 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2008 (33 MoReg 916–917). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 12, 2008, and the comment period ended at 5:00 p.m. on June 12, 2008. At the public hearing and in written comments, department staff explained the proposed rule, made comments in support of the proposed rule, and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of American Family Insurance Group, American Council of Life Insurers (ACLI), Property Casualty Insurers Association of America, Division of Insurance Market Regulation, Missouri Insurance Coalition (MIC), State Farm Insurance Companies, and American Insurance Association made comments regarding the rule.

COMMENT #1: David Monaghan, on behalf of American Family Insurance, commented that the definition of “complaint” should be revised to be more consistent with state laws and regulations, current department practices in establishing complaint ratios, and National Conference of Insurance Legislators (NCOIL) standards. Section 375.936(3), RSMo, and 20 CSR 300-2.200 define a “complaint” as “any written communication expressing a grievance.” The department develops and publishes a Consumer Complaint Index (which is commonly referred to as a complaint ratio) that is based on the number of written complaints received by the department. The term

“complaint ratio” is also used in the proposed rules. The NCOIL Market Conduct Surveillance Model Law defines a “complaint” as a document or communication “to the Insurance Department.” As for health companies, the communication must be in writing. Mr. Monaghan suggested the definition of “complaint” be revised to mean written communications submitted to the department. This revision would have no impact on the department’s authority to institute a market conduct examination as 20 CSR 100-8.005(2) makes it clear that the department may use “information obtained from other objective sources” or “information obtained from any other credible source” as evidence to support the need for an examination. Mr. Monaghan continued to comment that, while the new definition of “complaint” in the proposed rules would not modify current law and regulations or necessarily have any impact on how the department develops a Consumer Complaint Index, the proposed definition may cause some confusion without any corresponding benefit. The adoption of the new definition of “complaint” suggests that the department would develop one (1) set of complaint ratios for consumers to base purchasing decisions and another set of complaint ratios to assist in determining whether to institute a market conduct examination.

Bryan Cox, on behalf of the American Council of Life Insurers, had a similar comment regarding “complaint” and suggested that the term “complaint” as defined in 20 CSR 100-8.002 is overly broad and suggested that it follow the version in the NCOIL Model, which limits the term “complaint” to documents and communications “to the Insurance Department.” The term “complaint” should be limited to grievances, etc. that are submitted to the regulator. This would be consistent with the NCOIL Model and SB 1029, introduced in the General Assembly this year.

Joe M. Woods, on behalf of Property Casualty Insurers Association of America, commented that section 375.936(3), RSMo, and 20 CSR 300-2.200 define complaint as “any written communication expressing a grievance.” Mr. Woods requested that the department maintain consistency in the law to avoid future confusion or unwarranted litigation by changing the definition of “complaint” in proposed rule 20 CSR 100-8.002 to read “any written communication expressing a grievance” or simply adopt the definition of “complaint” in 20 CSR 300-2.200 by reference.

Calvin W. Call and Brent K. Butler, on behalf of Missouri Insurance Coalition, commented that the definition of “complaint” in subsection (2)(B) would be consistent with other states by deleting references to oral communications and clarifying that complaints must be based on written communications to the department. This would provide a clear standard for determining when complaints against an insurer or producer would rise to the level of warranting an examination.

Steve Schneider, on behalf of the American Insurance Association, and Calvin Call and Brent Butler, on behalf of the Missouri Insurance Coalition, commented that “complaint” should only include written communications.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment, in part, and has modified the definition of “complaint” to limit it to “. . . written or oral communications received by the department primarily expressing a grievance . . .” The department receives many grievances “orally” via our consumer services hotline. Sometimes consumers do not want to file a written grievance. Limiting “complaint” to written complaints would greatly skew the number of grievances the department receives.

COMMENT #2: Bryan Cox, on behalf of the American Council of Life Insurers, commented that Missouri does have some confidentiality provisions for the documentation and material gathered in a market conduct examination, but that the inclusion of the “confidentiality” provisions of the National Conference of Insurance Legislators (NCOIL) Model would be a positive addition to the proposals. Mr. Cox strongly urged the inclusion of section 7(a)–(d) Confidentiality Requirements from the NCOIL Model.

RESPONSE: The director appreciates this suggestion; however, the

concern has been addressed by inserting confidentiality language in proposed rule 20 CSR 100-7.005. No changes have been made to this rule in response to this comment.

COMMENT #3: Calvin W. Call and Brent K. Butler, on behalf of Missouri Insurance Coalition (MIC), commented that a definition of “examination report” could be beneficial and that the National Association of Insurance Commissioners (NAIC) Handbook may have an appropriate definition to use.

RESPONSE: The director appreciates this comment; however, proposed rule 20 CSR 100-8.018 adequately addresses the issue of what constitutes an examination report throughout the examination process. No changes have been made to this rule in response to this comment.

COMMENT #4: Calvin W. Call and Brent K. Butler, on behalf of Missouri Insurance Coalition (MIC), commented that subsection (2)(T) defines the term “third party model or product,” but the term is not used anywhere in the chapter, so it is unnecessary to the proposed rule.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly to delete the definition for “third party model or product.”

COMMENT #5: Carolyn H. Kerr, on behalf of the Market Conduct Examination Section, commented that 20 CSR 100-8.002(2)(C) definition of a “comprehensive market conduct examination” is inconsistent with the NAIC definition in the NAIC “Market Regulation Handbook,” creating the potential for ambiguity and conflict. To make this definition consistent with the NAIC handbook, Ms. Kerr suggested the following changes be made:

“Comprehensive market conduct examination,” a full-scope examination that generally involves a review of all of a company’s business practices, including a review of the company’s operations/management, complaint handling, marketing and sales, advertising materials, licensing, policyholder service, underwriting and rating, tier classifications, nonforfeitures, policy forms and filings, compliance procedures and policies, claim handling, and other state-specific requirements;

David Monaghan, on behalf of American Family Insurance, and Raymond Sheldon, on behalf of State Farm Insurance, expressed support for this proposed modification.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #6: Bryan Cox, on behalf of the American Council of Life Insurers, commented that, in the definition of “Comprehensive market conduct examinations,” the following language from the NCOIL Model be added: “a review of one or more lines of business of a company domiciled in this state. . .” This language would emphasize that every state will be responsible for its domestic industry, which is necessary to cut down on duplicative comprehensive examinations.

RESPONSE: The director appreciates this comment; however, no changes were made to the rule in response. Since the guiding document for market conduct analysis and examination under these regulations is the NAIC “Market Regulation Handbook,” it makes sense to utilize a definition drawn from the language of the handbook as Ms. Kerr suggested.

COMMENT #7: Carolyn H. Kerr, on behalf of the Market Conduct Examination Section, commented that 20 CSR 100-8.002(2)(E) definition of “desk examination” only refers to its use for a targeted examination. There is no reason a comprehensive examination could not be done in-house as a desk exam. Ms. Kerr suggested modifying the language as follows: “Desk examination,” a targeted or comprehensive examination that is conducted by an examiner . . .”

RESPONSE AND EXPLANATION OF CHANGE: The director

agrees with this comment and has modified the rule to refer only to an examination rather than identifying a desk examination as a targeted or comprehensive examination.

COMMENT #8: Steve Schneider, on behalf of the American Insurance Association, commented Ms. Kerr’s suggested change in Comment #7 regarding subsection (2)(E) “Desk Examination,” above, is confusing. He does not believe that any state could effectively conduct a comprehensive exam via a desk examination. This change very likely would place a burden on an insurer to ship excessive amounts of information to the Department of Insurance, Financial Institutions and Professional Registration (DIFP), and it could expose the insurer to security breach claims if that information was lost, mishandled (accidentally or intentionally), or otherwise jeopardized in transit, email, etc.

RESPONSE: The director appreciates this comment; however, no changes have been made to this rule in response. The department works closely with companies to determine which type of examination, desk or on-site, will be most efficient and cost effective. Nothing in this regulation requires that one (1) type of examination be performed over another.

COMMENT #9: Carolyn H. Kerr, on behalf of the Market Conduct Examination Section, commented, regarding subsection 20 CSR 100-8.002(2)(G), that SB 788 (2008) renames the division the “Division of Insurance Market Regulation” rather than the term “Insurance Market Regulation Division” used in the proposed regulations. Ms. Kerr requests that this be corrected.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #10: Carolyn H. Kerr, on behalf of the Market Conduct Examination Section, commented, regarding subsection 20 CSR 100-8.002(2)(J), that the NAIC definition of “market analysis” in the “Market Conduct Surveillance Model Law” discusses the analysis of sources to develop a baseline “understanding of the marketplace.” This definition leaves out that phrase, failing to define or explain what type of baseline the process aims to develop. Hence, this definition is inconsistent with that of the NAIC and should be changed as follows:

“Market analysis,” a process whereby market conduct surveillance personnel collect and analyze information from filed schedules, surveys, required reports, and other sources in order to develop a baseline understanding of the marketplace and to identify patterns or practices of insurers or companies licensed to do business in this state that deviate significantly from the norm or that may pose a potential risk to insurance consumers;

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #11: Steve Schneider, on behalf of the American Insurance Association, commented that Ms. Kerr’s suggestion in Comment #10 above, regarding the definition of “market analysis” and the addition of the phrase “understanding of the market place,” is vague and may introduce the possibility for greater subjectivity in interpretation. Mr. Schneider commented that this should not be a formal part of the Missouri regulatory scheme.

RESPONSE: The director appreciates this comment; however, the language appears in the NAIC Market Conduct Surveillance Model Law, so the director incorporated it to be consistent with the NAIC model.

COMMENT #12: Steve Schneider, on behalf of American Insurance Association, commented that the extension of confidentiality protection to materials developed by insurers as part of a self-evaluative effort is needed and welcome. Confidentiality is crucial to the market surveillance process involving such extensive communications, materials, and data from insurer to regulator. While the Missouri

law recognizes this framework, the proposed rule does not explicitly reference it. Mr. Schneider strongly encouraged the department to incorporate it into the proposal—perhaps citing section 374.205.4, RSMo, in 20 CSR 100-7.002(1), wherever appropriate.

RESPONSE: The director agrees with this comment and has modified proposed rule 20 CSR 100-7.005 to add a new section (3) in response. No changes have been made to this rule in response to this comment.

20 CSR 100-8.002 Scope and Definitions

(1) Applicability of Rules. The rules in this chapter apply to insurers and other companies transacting business in the state and examiners, analysts, and other staff within the division engaged in market conduct actions, and shall be read together with Chapter 536, RSMo.

(2) Definitions. As used in this chapter, the following terms shall mean:

(B) “Complaint,” a written or documented oral communication, received by the department, primarily expressing a grievance, meaning an expression of dissatisfaction with a specific insurance company or producer;

(C) “Comprehensive market conduct examination,” a full-scope examination that generally involves a review of the company’s operations/management, complaint handling, marketing and sales, advertising materials, licensing, policyholder service, underwriting and rating, tier classifications, nonforfeitures, policy forms and filings, compliance procedures and policies, claim handling, and other state-specific requirements;

(E) “Desk examination,” an examination that is conducted by an examiner at a location other than the company’s premises. A desk examination is usually performed at the department’s offices with the insurer providing requested documents by hard copy, microfiche, discs, or other electronic media, for review;

(G) “Division,” the Division of Insurance Market Regulation;

(J) “Market analysis,” a process whereby market conduct surveillance personnel collect and analyze information from filed schedules, surveys, required reports, and other sources in order to develop a baseline understanding of the marketplace and to identify patterns or practices of insurers or companies licensed to do business in this state that deviate significantly from the norm or that may pose a potential risk to insurance consumers;

(S) “Targeted examination,” a for-cause review of either a specific line of business or specific business practices, including, but not limited to, underwriting and rating, tier classification, marketing and sales, complaint handling operations or management, advertising materials, licensing, policyholder services, nonforfeitures, claims handling, policy forms and filings, or compliance procedures and policies. A targeted examination may be conducted by desk examination or by an on-site examination; and

(T) “Warrant,” a written order of the director commanding the division to conduct a market conduct examination.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 100—Insurer Conduct Chapter 8—Market Conduct Examination

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.205, RSMo 2000 and section 374.185, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 100-8.005 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2008 (33 MoReg 917-918). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 12, 2008, and the comment period ended at 5:00 p.m. on June 12, 2008. At the public hearing and in written comments, department staff explained the proposed rule, made comments in support of the proposed rule, and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of American Family Insurance Group, American Council of Life Insurers (ACLI), Property Casualty Insurers Association of America, Division of Insurance Market Regulation, Missouri Insurance Coalition (MIC), State Farm Insurance Companies, and American Insurance Association made comments regarding the rule.

COMMENT #1: David Monaghan, on behalf of American Family Insurance, commented that 20 CSR 100-8.005(2)(B) provides that the director may issue a warrant for a desk examination if significant changes have occurred in the insurer’s market share. The rule provides that the director may issue a warrant for a desk examination or an on-site examination on any company if “significant market changes threaten the availability or affordability of insurance coverage.” Mr. Monaghan commented that the inclusion of such standards go beyond the purpose of market conduct examinations and that the purpose of a “market conduct examination” (as defined in 20 CSR 100-8.002) is to “evaluate compliance with the applicable laws and regulations of this state.” There are many reasons why a company’s market share may increase or decrease or for changes in the marketplace that are not related to whether a company is in compliance with the laws and regulations of the state. Mr. Monaghan suggests that a “cause” standard for instituting market conduct examinations should be based solely on evidence that leads the director to believe that a particular company is or is about to violate a law or regulation.

Joe M. Woods, on behalf of Property Casualty Insurers Association of America, commented that, with regard to 20 CSR 100-8.005(2)(B)1., the grounds upon which the commissioner may issue a warrant for a desk examination, subparagraphs (2)(B)1.B. and C., may not be related to the company’s practices and should not be considered as the basis for issuing such warrants. Subparagraph (2)(B)1.B., which would allow issuance of a warrant if “Significant changes have occurred in an insurer’s or other company’s market share during the year,” has two (2) fundamental problems. First, changes in a company’s market share do not indicate in any way that a company is not in compliance with the statutes and regulations of the state. Second, there is no reasonable justification for using changes in another company’s market share to trigger issuance of a warrant against an unrelated company. Mr. Woods further commented that the same holds true for subparagraph (2)(B)1.C., which would allow issuance of a warrant if “Significant market changes threaten the availability or affordability of insurance coverage.” Mr. Woods requested that subparagraphs (2)(B)1.B. and C. be deleted from the proposed 20 CSR 100-8.005(2)(B)1.

Calvin W. Call and Brent K. Butler, on behalf of Missouri Insurance Coalition, commented that, with respect to criteria for which the director may issue a warrant for a desk examination, the standard should be solely if the director believes that a violation of law or regulation has occurred or is about to occur. Consequently, in subparagraphs (2)(B)1.B. and C. regarding significant changes in the insurer’s market share or significant market changes should be deleted, because in and of itself these criteria have nothing to do with whether or not an insurer is in violation of any law or regulation. Also, the phrase “and the examination is reasonably calculated to provide data or other information relevant to this inquiry” in subparagraph (2)(B)1.A. is a vague standard—it seems that the director could require a desk exam to see if a desk exam is warranted, which

is no standard at all and undermines the purpose of this collection of proposed rules. Mr. Call and Mr. Butler requested that that phrase be deleted. They also commented that, in paragraph (2)(C)2., the number of complaints means nothing without considering market size. The department has recognized this through the use of the complaint ratio. This provision should be shortened to "A complaint ratio that deviates significantly from the norm (a complaint ratio shall be established for each line of business)." Mr. Call and Mr. Butler requested that the department amend the proposed rule in accordance with their comments.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment, in part, and has modified the rule to limit those market share changes that may give rise to an examination.

COMMENT #2: David Monaghan, on behalf of American Family Insurance, commented that 20 CSR 100-8.005(2)(C)2. provides that the number of complaints against a company or the company's complaint ratio may serve as evidence to support the need for an examination. The number of complaints is expected to vary by market share. Complaint ratios were established because the raw number of complaints against a company is not a particularly meaningful statistic without reference to amount of business written by the company. Mr. Monaghan agrees that a complaint ratio is a valid standard to determine whether an examination is needed and suggests that the number of complaints alone should not serve as a standard to conduct an examination.

RESPONSE: The director appreciates the suggestion; however, the director believes the standard established in 20 CSR 100-8.005(2)(C)2. is actually a substantive standard rather than the numerical standard Mr. Monaghan describes. This is because the phrase "number of complaints against the company" is modified by the phrase "indicating a particular practice." When placed within the context of subsection (2)(C), i.e., "any practice or course of business in violation of the [insurance laws]," it is clear that this standard is not based upon "the number of complaints alone." Accordingly, no change has been made to the proposed language in question.

20 CSR 100-8.005 Examination Warrants

(2) A market conduct examination shall be conducted only upon the issuance of a warrant by the director or with the written consent of the insurer or company. In furtherance of the purposes of section 374.185, RSMo, and to provide uniform standards designed to avoid arbitrary or capricious use of discretion in issuing warrants for market conduct examinations, the director shall apply the following standards in evaluating factual support for a market conduct examination warrant:

(B) The director may issue a warrant for—

1. A desk examination, if the director has reason to believe—

A. An insurer or other company may have engaged in, or taken a substantial step toward engaging in, or may have materially aided any other person in engaging in, any practice or course of business in violation of Chapter 287, Chapter 354, or Chapters 374 to 385, RSMo, or any rule adopted pursuant thereto, and the examination is reasonably calculated to provide data or other information relevant to this inquiry;

B. Significant changes have occurred in an insurer's or other company's market share during the last year for which an insurer cannot provide a satisfactory explanation;

C. Significant market changes threaten the availability or affordability of insurance coverage; or

D. An examination is required to be performed by law;

2. An on-site examination, if the director has reason to believe—

A. An insurer or other company has engaged in, is engaging in, has taken a substantial step toward engaging in, or has materially aided any other person in engaging in any practice or course of

business in violation of Chapter 287, Chapter 354, or Chapters 374 to 385, RSMo, or any rule adopted pursuant thereto;

B. Significant market changes threaten the availability or affordability of insurance coverage; or

C. An examination is required to be performed by law;

(C) The evidence indicating that an insurer or other company has engaged in, is engaging in, has taken a substantial step toward engaging in, or has materially aided any other person in engaging in any practice or course of business in violation of Chapter 287, Chapter 354, or Chapters 374 to 385, RSMo, or any rule adopted pursuant thereto, shall be derived from the following sources:

1. Information obtained from a market conduct annual statement, market survey, or report of financial examination;

2. A number of complaints against the company indicating a particular practice or a complaint ratio that deviates significantly from the norm (a complaint ratio shall be established for each line of business);

3. Information obtained from other objective sources; or

4. Information obtained from any credible source with direct access to relevant information;

(E) A warrant shall—

1. Be in writing and in the name of the department;

2. Be directed to the division;

3. Identify the scope of the examination by describing the specific line of business or specific business practices to be examined and a reasonable estimate of the duration of the examination;

4. Identify whether the examination will be conducted as a desk examination, an on-site examination, or both; and

5. Be signed by the director.

(4) The warrant authorizes one (1) or more examiners designated by the director to perform the examination and shall instruct them as to the scope of the examination. In conducting the examination, the examiner shall observe those guidelines and procedures set forth in the Market Regulation Handbook adopted by the National Association of Insurance Commissioners (NAIC). The division may also employ such other guidelines or procedures as the director may deem appropriate not inconsistent with the provisions of this chapter.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 100—Insurer Conduct Chapter 8—Market Conduct Examination

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.205, RSMo 2000 and section 374.055, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 100-8.008 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2008 (33 MoReg 918-919). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 12, 2008, and the comment period ended at 5:00 p.m. on June 12, 2008. At the public hearing and in written comments, department staff explained the proposed rule, made comments in support of the proposed rule, and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of the

Division of Insurance Market Regulation, made comments regarding the rule.

COMMENT #1: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented that the reference to the Insurance Market Regulation Division should be corrected to refer to its proper name.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #2 : Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented that the judicial review afforded by this section should be subject to section 374.055 and Chapter 536, RSMo, and 20 CSR 800-1.100 and suggested the following rewording:

If the director fails to make a final determination within twenty (20) days of the hearing . . . for purposes of review. Any final determination of the director is subject to judicial review under section 374.055, RSMo, Chapter 536, RSMo, and 20 CSR 800-1.100, but during the pendency of judicial review, the execution of the warrant . . .

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

20 CSR 100-8.008 Hearing on Warrant

(1) Any insurer or other company served with a warrant may request a hearing before the director within fifteen (15) days of the date of service of the warrant. If a hearing is requested, the director shall schedule an expedited hearing within twenty (20) days of the request to review whether the division established cause to issue the warrant. The director may issue orders necessary to protect the identity of a confidential source. The director may vacate, set aside, modify, or affirm the warrant.

(2) If the director fails to make a final determination within twenty (20) days of the hearing, the warrant is deemed affirmed and may be executed, and the administrative determination is final for purposes of review. Any final determination of the director is subject to judicial review under section 374.055, RSMo, Chapter 536, RSMo, and 20 CSR 800-1.100, but during the pendency of judicial review, the execution of the warrant shall not be delayed and is enforceable as provided by law.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 100—Insurer Conduct Chapter 8—Market Conduct Examination

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.205, RSMo 2000 and section 374.185, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 100-8.012 Timing of Examinations is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2008 (33 MoReg 919). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 12, 2008, and the comment period ended at 5:00 p.m. on June 12, 2008. No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 100—Insurer Conduct Chapter 8—Market Conduct Examination

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.205, RSMo 2000 and section 374.185, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 100-8.014 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2008 (33 MoReg 919-920). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 12, 2008, and the comment period ended at 5:00 p.m. on June 12, 2008. At the public hearing and in written comments, department staff explained the proposed rule, made comments in support of the proposed rule, and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of American Family Insurance Group, American Council of Life Insurers (ACLI), Division of Insurance Market Regulation, and American Insurance Association made comments regarding the rule.

COMMENT #1: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented that the language at the beginning of 20 CSR 100-8.014 seems unnecessary and superfluous based on the remaining language in the regulation. Ms. Kerr suggested deleting the first portion of this paragraph and rewording it to say the following:

To provide uniform standards designed to avoid arbitrary or capricious use of discretion in issuing warrants for market conduct examinations, the director shall apply. . .

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #2: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented that subsections 20 CSR 100-8.014(1)(A) and (B) and sections (2) and (3) all state that the division “shall accept” a report or documentation. The term “may” is preferable since the possibility exists that a report from another state might not be adequate for Missouri’s purposes. Ms. Kerr suggested replacing the phrase “shall accept” with “may accept.”

RESPONSE: The director appreciates this comment; however, no changes have been made to the rule in response to this comment.

COMMENT #3: David Monaghan, on behalf of American Family Insurance, Bryan Cox, on behalf of American Council of Life Insurers, and Steve Schneider, on behalf of the American Insurance Association, expressed opposition for Ms. Kerr’s suggestion in Comment #2, above. Under the proposed rule, the director is prohibited from accepting any report prepared by another commissioner unless the director determines that the examination meets the rigid standards set forth in paragraphs (1)(B)1.-(1)(B)3. that are designed to ensure that the examination was very similar to an examination that would be conducted by the department. Subsection (1)(C) grants the

director broad discretion to examine any area or issue of concern that was not examined by the other regulator, and the last sentence of sections (2) and (3) authorizes the director to initiate enforcement actions to assure compliance with state laws and regulations. Mr. Monaghan is concerned that the adoption of Ms. Kerr's suggested changes may undermine efforts to utilize collaborative market conduct actions with other states and thereby thwart the purpose of the proposed rule.

Mr. Cox commented that, for subsection (1)(A), it is not clear why the director would delegate the authority to another state and then not be required to accept the exam report from that state. The director can do additional market conduct activity, if he/she finds the report lacking, but the starting point certainly should be acceptance of the report. Without that, the insurer and the delegated state have gone to all the work and expense for nothing. In subsection (1)(C), changing "shall" to "may" would be a move opposite of the direction of the basic concept behind the National Association of Insurance Commissioners (NAIC) modernization efforts, which is avoidance of duplicative and overlapping market conduct actions. It is very important to the industry that if another state identifies a practice or procedure that needs to be modified, and the insurer makes that modification, another state SHALL accept documentation that the insurer has made similar modification in this state, in lieu of initiating a market conduct action related to the practice or procedure. These rules allow for additional review if Missouri laws differ, making use of the word "shall" the practical and efficient choice. Again, accepting the documentation from the insurer is just the starting place—there is nothing that prohibits the Department of Insurance, Financial Institutions and Professional Registration (DIFP) from doing additional review.

RESPONSE: The director agrees with this comment and has not incorporated Ms. Kerr's suggested changes.

COMMENT #4: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented that language in subsection 20 CSR 100-8.014(1)(A) refers to "the division," but to the "Insurance Market Regulation Division" in subsection 20 CSR 100-8.014(1)(B). Ms. Kerr suggested that the language should be modified to be consistent and use the same terminology in both subsections.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #5: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented that there is a grammatical error in 20 CSR 100-8.014(1)(B)3. and that the "; and" at the end of the paragraph should be removed and replaced with a period.

RESPONSE: The punctuation in paragraph (1)(B)3. is correct according to the formatting standards of the secretary of state. No changes have been made as a result of this comment.

COMMENT #6: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented regarding subsection 20 CSR 100-8.014(1)(C) that, for clarity, the paragraph should read "Notwithstanding the above provisions, if the insurance commissioner. . ." or be combined into subsections (1)(A) and (1)(B), above.

RESPONSE: The director agrees with this comment and has modified the rule accordingly.

20 CSR 100-8.014 Collaborative Actions

(1) To provide uniform standards designed to avoid arbitrary or capricious use of discretion in issuing warrants for market conduct examinations, the director shall apply the following standards in evaluating factual support for a warrant when another jurisdiction is considering conducting a market conduct examination or has issued a market conduct report for an examination that has been conducted within the last three (3) years:

(A) In lieu of issuing a warrant for a market conduct examination, the director may delegate responsibility for conducting an examination of a domestic company, foreign company, or an affiliate of a company to the insurance commissioner of another jurisdiction if that insurance commissioner agrees to accept the delegated responsibility for the examination, and the domestic company, foreign company, or affiliate has a significant number of policies or significant premium volume in that jurisdiction. If the director elects to delegate responsibility for examining a company, the division shall accept a report of the examination prepared by the insurance commissioner to whom the responsibility has been delegated;

(B) In lieu of requesting a warrant by the director and conducting a market conduct examination of a company, the division shall accept a report of a market conduct examination on such company prepared by the insurance commissioner of the company's jurisdiction or state of domicile or another jurisdiction state if the director has determined—

1. The laws of that jurisdiction applicable to the subject of the examination are substantially similar to those of this state;

2. The examining jurisdiction has a market conduct analysis and examination system comparable to the system required under Chapter 7 of this division; and

3. The examination from the other jurisdiction's commissioner has been conducted within the past three (3) years; and

(C) Notwithstanding the above provisions, if the insurance commissioner to whom the examination responsibility was delegated, or the report of a market conduct examination prepared by the insurance commissioner of another jurisdiction, did not evaluate the specific area or issue of concern to the director or a specific requirement of Missouri law, the director may issue a warrant for a targeted examination to evaluate that specific area or issue of concern.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 100—Insurer Conduct Chapter 8—Market Conduct Examination

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.205, RSMo 2000 and section 374.185, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 100-8.015 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2008 (33 MoReg 920-921). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 12, 2008, and the comment period ended at 5:00 p.m. on June 12, 2008. At the public hearing and in written comments, department staff explained the proposed rule, made comments in support of the proposed rule, and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of Division of Insurance Market Regulation and American Insurance Association made comments regarding the rule.

COMMENT #1: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding section 20 CSR 100-8.015(1), that there is concern that the information required to be posted on the National Association of Insurance Commissioners

(NAIC) exam tracking system cannot be posted on it due to NAIC/technological constraints.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #2: Steve Schneider, on behalf of American Insurance Association, commented that Ms. Kerr's suggestion would be best implemented by stating that the posting of the exam announcement on the electronic tracking system is subject to NAIC technological constraints.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #3: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented that there does not appear to be a reason for the department to post an announcement of its examination prior to an on-site examination but not a desk examination.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #4: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented that the reference to immediate consumer harm does not set forth any reference to the procedures that might follow such a "no knock" exam or one (1) called based on the threat of "immediate" consumer harm. Ms. Kerr suggested the following modifications to section (1):

The director shall announce to the applicable company an on-site or desk examination . . . and the sixty (60)-day notice would result if continuing injury to consumers. In such a case of imminent consumer harm, the director shall, upon request by the company, schedule an expedited hearing as allowed by 20 CSR 100-8.008. A warrant issued under 20 CSR 100-8.005 may be incorporated to provide some of the information required in this notice, but such announcement shall contain . . .

RESPONSE AND EXPLANATION OF CHANGE: The director agrees and has modified the rule substantially in accordance with this comment.

COMMENT #5: Steve Schneider, on behalf of American Insurance Association, commented that the term "imminent consumer harm" is not defined. This means the director could say that any issue that poses "imminent consumer harm" and therefore expedite the hearing process and deprive insurers of sufficient notice. Perhaps a better way to phrase this provision would be—

"If the director can demonstrate that there is imminent consumer harm and furnishes such evidence to the insurer or company, the director may schedule an expedited hearing as allowed by 20 CSR 100-8.008."

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has not included the phrase "imminent consumer harm" in the revisions to the section.

COMMENT #6: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding section 20 CSR 100-8.015(2), that there does not appear to be a reason for a company to have an opportunity to resolve issues prior to an on-site examination but not a desk examination. Additionally, changes should be made to this paragraph to clarify the time frames for the notice of warrant and the opportunity to resolve issues. Ms. Kerr suggested the following language:

The company shall be notified of any practice or procedure which is to be the subject of the examination warrant. Prior to commencing any on-site or desk examination, the company shall be given an opportunity to resolve such matters that arise as a result of a market analysis to the satisfaction of the director through informal resolution, settlement agreement, curative order, or other formal resolution under sections 374.046 to 374.049, RSMo.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

20 CSR 100-8.015 Notice of Examination

(1) The director shall announce to the applicable company an examination and shall post an announcement of such examination on the National Association of Insurance Commissioners' (NAIC's) examination tracking system, or comparable NAIC product, as determined by the director, subject to the NAIC's technological constraints, as soon as possible, but in no case later than sixty (60) days before the estimated commencement of the examination. The director may reduce the sixty (60)-day notice if the director has determined that the company has engaged in or is engaging in any practice or course of business in violation of Chapter 287, Chapter 354, or Chapters 374 to 385, RSMo, and the sixty (60)-day notice would result in continuing injury to consumers. In the event that the notice period is reduced to less than sixty (60) days, the company is entitled to an expedited hearing as allowed by 20 CSR 100-8.008. A warrant issued under 20 CSR 100-8.005 may be incorporated to provide some of the information required in this notice, but such announcement shall contain—

(2) The company shall be notified of any practice or procedure which is to be the subject of an examination warrant. Prior to commencing any examination, the company shall be given an opportunity to resolve such matters that arise as a result of a market analysis to the satisfaction of the director through informal resolution, settlement agreement, curative order, or other formal resolution under sections 374.046 to 374.049, RSMo.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 100—Insurer Conduct Chapter 8—Market Conduct Examination

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.205, RSMo 2000 and section 374.185, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 100-8.016 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2008 (33 MoReg 921). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 12, 2008, and the comment period ended at 5:00 p.m. on June 12, 2008. At the public hearing and in written comments, department staff explained the proposed rule, made comments in support of the proposed rule, and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of American Council of Life Insurers (ACLI), Division of Insurance Market Regulation, and American Insurance Association made comments regarding the rule.

COMMENT #1: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding section 20 CSR 100-8.016(3), that the mandate contained in this section may be inconsistent with National Association of Insurance Commissioners

(NAIC) guidelines and departmental policies and procedures. Ms. Kerr suggested the following rewriting of this section:

Market conduct examinations shall be conducted in accordance with the provisions set forth in the National Association of Insurance Commissioners (NAIC) Market Regulation Handbook or in departmental rules, if inconsistent with the NAIC Handbook, for the type of examination being conducted.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees and has modified the rule substantially in accordance with this comment.

COMMENT #2: Bryan Cox, on behalf of American Council of Life Insurers, commented that Ms. Kerr's suggested change to section (3), in Comment #1 above, is problematic. "If we are ever to have uniformity in market conduct activity (one (1) of the goals of the NAIC), then we need the language that requires that Missouri either follow the provision of the NAIC Market Regulation Handbook or promulgate Missouri rules that have 'substantially similar procedures.'" Ms. Kerr's suggestion provides no incentive for Missouri to be "substantially similar" and adhere to the national standard.

RESPONSE: The director appreciates this comment; however, no changes have been made to the rule in response to this comment.

COMMENT #3: Steve Schneider, on behalf of American Insurance Association, commented in response to Ms. Kerr's suggestion in Comment #1 above. Section (3) adds the term "department rules." It would be clearer if the language were changed to "published department rules" and/or "regulations." Missouri examinations should be conducted in a manner consistent with NAIC requirements; if not, the department should notify insurers of those differences rather than using unpublished, "desk drawer-type" examination rules.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule to replace "rules" with "regulations."

COMMENT #4: Carolyn H. Kerr, on behalf of the Market Conduct Examination Section, commented, regarding 20 CSR 200-8.016, that there is no definition or explanation of what is involved in an "exit conference" or how one should be conducted. Ms. Kerr suggested this should be clarified with the following language:

Prior to the conclusion of a market conduct examination, the examiner-in-charge shall schedule and conduct an exit conference with the company as outlined by the NAIC Market Regulation Handbook.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #5: Carolyn H. Kerr, on behalf of the Market Conduct Examination Section, commented, regarding 20 CSR 100-8.016(5), that SB 788 (2008) renames the division the "Division of Insurance Market Regulation" rather than the term "Insurance Market Regulation Division" used in the proposed regulation. Ms. Kerr requests that this be corrected.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

20 CSR 100-8.016 Examination Procedures

(3) Market conduct examinations shall be conducted in accordance with the provisions set forth in the National Association of Insurance Commissioners (NAIC) Market Regulation Handbook, or in department regulations, if inconsistent with the NAIC Market Regulation Handbook, for the type of examination being conducted.

(5) If a targeted examination is expanded beyond the scope of the warrant and the reasons provided to the company in the notice of the examination required under this section, the director shall modify the

warrant or issue a new warrant and provide written notice to the company explaining the extent of the expansion and the reasons for the expansion. The division shall provide a revised work plan to the company before the beginning of any significantly expanded examination, unless extraordinary circumstances indicating a risk to consumers require immediate action.

(6) Prior to the conclusion of a market conduct examination, the examiner-in-charge shall schedule and conduct an exit conference with the company as outlined by the NAIC Market Regulation Handbook.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 100—Insurer Conduct Chapter 8—Market Conduct Examination

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.205, RSMo 2000 and section 374.185, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 100-8.017 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2008 (33 MoReg 921-922). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 12, 2008, and the comment period ended at 5:00 p.m. on June 12, 2008. At the public hearing and in written comments, department staff explained the proposed rule, made comments in support of the proposed rule, and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of American Council of Life Insurers (ACLI) and Division of Insurance Market Regulation made comments regarding the rule.

COMMENT #1: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding section 20 CSR 100-8.017(2), that there is concern that requiring the compensation of a contract examiner to be limited to one hundred twenty-five percent (125%) of the compensation and per diem allowances for examiners under National Association of Insurance Commissioners (NAIC) guidelines would severely hamper the ability to obtain qualified contract examiners. Furthermore, actuaries, Certified Public Accountants (CPAs), and other professionals are considered to be examiners for purposes of section 374.205.2(4), RSMo. Limiting the compensation to one hundred twenty-five percent (125%) of the NAIC rate (equivalent to less than fifty dollars per hour (\$50/hr.)) would make it nearly impossible to contract with an outside examiner. Ms. Kerr suggested removing the last sentence of this section and rewording the section as follows:

The director may contract pursuant to applicable state contracting procedures for such qualified contract examiners and actuaries and shall contract to provide reasonable compensation. All procurements must be awarded to the lowest and best bid as defined in section 34.040, RSMo.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #2: Bryan Cox, on behalf of American Council of Life Insurers, commented that, in Rhode Island, the Department of Insurance accepted the one hundred twenty-five percent (125%) limit, but

added a sentence that said, "The commissioner may make an exception to this requirement for compensation paid to contracted persons with unique expertise, however, such compensation shall be reasonable and based on market conditions." ACLI recommended similar language be included in the Missouri rule.

Steve Schneider, on behalf of American Insurance Association, expressed support for the one hundred twenty-five percent (125%) cap in section (2). The cap was intended to keep costs uniform for consultants countrywide. If the lowest bid in Missouri is, for example, two hundred fifty percent (250%) above the NAIC guidelines, is that considered "reasonable compensation"? Permitting the director to determine what constitutes "reasonable compensation" is rife with potential problems which should not be overlooked. Mr. Schneider urged the department to keep compensation linked to the NAIC standard.

RESPONSE: The director appreciates these comments. If the department complies with the bid requirements of section 34.040, RSMo, the compensation paid by the department is presumptively reasonable. The statutory citation proposed by Ms. Kerr should address Mr. Cox's and Mr. Schneider's concern. No changes have been made to the rule in response to these comments.

20 CSR 100-8.017 Contract Examiners

(2) The director may contract pursuant to applicable state contracting procedures for such qualified contract examiners and actuaries and shall contract to provide reasonable compensation. All procurements must be awarded to the lowest and best bid as defined in section 34.040, RSMo.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 100—Insurer Conduct Chapter 8—Market Conduct Examination

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 374.205, RSMo 2000 and section 374.185, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 100-8.018 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2008 (33 MoReg 922-923). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 12, 2008, and the comment period ended at 5:00 p.m. on June 12, 2008. At the public hearing and in written comments, department staff explained the proposed rule, made comments in support of the proposed rule, and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of American Council of Life Insurers (ACLI), American Insurance Association, and Division of Insurance Market Regulation made comments regarding the rule.

COMMENT #1: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding subsection 20 CSR 100-8.018(1)(A), that language is unclear, especially as to time frames, for actions to be taken by examiners once the exam is completed and is inconsistent with the existing language of section 374.205, RSMo. Ms. Kerr suggested the following changes:

No later than sixty (60) days following the completion of the examination, the examiner-in-charge shall file with the department a verified draft report of examination under oath. Within ten (10) days of receipt of the verified draft report, the department shall send the draft report via certified mail to the company together with a notice which shall afford the company examined a reasonable opportunity to make a written submission or rebuttal with respect to any matter contained in the examination report;

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly with the addition of language authorizing the draft report to also be filed by the audit manager.

COMMENT #2: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding subsection 20 CSR 100-8.018(1)(B), that the requirement that the division confirms the date of completion of the examination is vague. Ms. Kerr suggested clarifying the language as follows:

1) Completion of the examination shall be defined as the date the examiner-in-charge and audit manager sign the draft report to be submitted to the departments; or 2) Completion of examination shall be defined as the date the examiner-in-charge signs and submits the draft report to the audit manager for approval and signature.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly by incorporating the second alternative language.

COMMENT #3: Bryan Cox, on behalf of American Council of Life Insurers, commented that ACLI prefers the first option in Ms. Kerr's suggestion in Comment #2 above. It would be better if both the examiner-in-charge and the audit manager sign the draft report before the clock starts on the next required step.

RESPONSE: The director appreciates this comment; however, no changes have been made to the rule in response.

COMMENT #4: Steve Schneider, on behalf of American Insurance Association, commented that Ms. Kerr's suggestions, above, would redefine the timeline for examination report completion and submission. Unfortunately, the new schedule means that the sixty (60)-day period in which to issue a draft report will be subject entirely to the action of the examiner-in-charge, who will be fully empowered with starting the meter. In order to bring more certainty to the time frame, Mr. Schneider suggested defining "completion of the examination," as "the date the draft report is sent by the examiner-in-charge to the audit manager but no later than sixty (60) days following the receipt of all information from the examination."

RESPONSE: The director appreciates this comment; however, no changes have been made to the rule in response.

COMMENT #5: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding subsection 20 CSR 100-8.018(1)(C), that the language seems duplicative of that already included in subsection (1)(A). In addition, nothing in section 374.205.3(2), RSMo, upon which this regulation is based, requires the company to submit a response to the draft report. The statute requires the department to give the company "a reasonable opportunity of not more than thirty days to make a written submission," but it does not require the company to actually file any such response. Furthermore, the regulation does not allow the department flexibility to extend the time within which the company may file a written response to the draft report. Ms. Kerr suggested rewording subsection (1)(C) as follows:

The company is not obligated to submit written comments to the draft report as allowed in subsection (1)(A) of this section. However, if the company chooses to do so, it shall respond with written comments within thirty (30) days of receipt of the draft report, unless a mutual agreement is reached with the department to extend the deadline.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #6: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding subsections 20 CSR 100-8.018(1)(D) and (4)(D), that the reference to the Insurance Market Regulation Division should be corrected to refer to its proper name.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #7: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding subsection 20 CSR 100-8.018(1)(E), that it appears that subsections (1)(A) through (E) are intended to create a period to negotiate the wording of the exam report that would currently be sent to the company for comment under 374.205.3(2), RSMo. If this is the idea, the procedure can be clarified by adding language to subsection (1)(E). This should make it clear that the procedure before subsection (1)(F) involves negotiating exam report language and the procedure after subsection (1)(F) involves settlement negotiations. Ms. Kerr suggested rewording subsection (1)(E) as follows:

The division may modify the examination findings and finalize the report, as appropriate. Upon determination that the report is final, the division shall forward a copy of the final report to the company along with a notice apprising the company of its rights under subsection (1)(F) below;

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #8: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding subsection 20 CSR 100-8.018(1)(F), that this subsection states that “the company shall, within thirty (30) days,” take certain actions, but it does not explain thirty (30) days after what that it should take the listed actions. Ms. Kerr suggested rewording this subsection as follows:

The company shall, within thirty (30) days of receipt of the final report, accept the report, accept the findings of the final report, . . . shall issue final examination findings; and

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #9: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding paragraph 20 CSR 200-8.018(1)(G)3., that language is identical to section 374.205.3(3)(c), RSMo, except that it does not contain the word “documents” or “data,” thereby making the regulation inconsistent with the statute that it is aimed to interpret and clarify. Ms. Kerr suggested adding those words as follows:

For an investigatory hearing . . . for purposes of obtaining additional documents, data, information, and testimony.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #10: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding section 20 CSR 100-8.018(2), that nothing in this section requires an electronic copy of the final report be made. If the department is going to be required to make one (1) available, language should be added to the rule to do so. In addition, the second sentence is ambiguous as to what the company is submitting as a response. Ms. Kerr suggested modifying the language as follows:

Once all administrative proceedings regarding the examination pursuant to subsections (1)(F) and (1)(G) are final, the department shall make available written and electronic versions of the final report. Both versions of the final report shall include the company’s written response, if any, and any negotiated text of the examination report and the concluding document, whether that is an administrative order of the director, curative order of the

director, or a stipulation of settlement and order. References to specific individuals by name shall be limited to an acknowledgment of their involvement in the conduct of the examination.

Ms. Kerr also suggested moving the next-to-last sentence (i.e., “The company is not obligated to submit a response to the final report.”) to subsection (1)(F) since this is where the response procedure is discussed.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #11: Carolyn H. Kerr, on behalf of Market Conduct Examination Section, commented, regarding section 20 CSR 100-8.018(3), that the language in this section of the rule and in section 374.205.3(4), RSMo, are similar but not necessarily consistent. The rule uses the term “comments” while the statute uses “submissions and rebuttals.” The language in the statute seems to be more specific than that contained in the regulation. Also, it is unclear as to which subsection of this rule the “issuance of the final findings” refers. Finally, the judicial review afforded by this section should be subject to section 374.055, RSMo, Chapter 536, RSMo, and 20 CSR 800-1.100. Ms. Kerr suggested the sentence should be modified as follows:

All orders entered pursuant to subsection (1)(G) shall be accompanied by findings and conclusions resulting from the director’s consideration and review of the examination report, relevant examiner work papers, and written submissions, rebuttals, or comments submitted by the company, if any. A finding issued under subsection (1)(F) shall not be considered a final order. Any order issued under paragraph (1)(G)1. shall be considered a final administrative decision and may be appealed pursuant to section 374.055, RSMo, Chapter 536, RSMo, and 20 CSR 800-1.100 and shall be served upon the company by certified mail, together with a copy of the final examination report. Within thirty (30) days of the issuance of the final findings, as outlined in subsection (1)(G), the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the final report, findings, and related orders.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

20 CSR 100-8.018 Post-Examination Procedure

(1) The post-examination procedure shall be conducted in a manner consistent with the purposes of section 374.185, RSMo. In accordance with the National Association of Insurance Commissioners (NAIC) market conduct uniform examination procedures, the director shall require the following timelines and procedures following the completion of an examination:

(A) No later than sixty (60) days following completion of the examination, the examiner-in-charge or audit manager shall file with the department a verified draft report of examination under oath. Within ten (10) days of receipt of the verified draft report, the department shall send the draft report via certified mail to the company together with a notice which shall afford the company examined a reasonable opportunity to respond with written comments or make a written submission or rebuttal with respect to any matter contained in the examination report;

(B) Completion of the examination shall be defined as the date the examiner-in-charge signs and submits the draft report to the audit manager for approval and signature;

(C) The company is not obligated to submit written comments, submissions, or rebuttals to the draft report as allowed in subsection (1)(A) of this rule. However, if the company chooses to do so, it shall respond with written comments within thirty (30) days of receipt of the draft report, unless a mutual agreement is reached with the department to extend the deadline;

(D) The division shall make a good faith effort to resolve issues and prepare a final report within thirty (30) days of receipt of the

company's written comments, submissions, or rebuttals, unless a mutual agreement is reached to extend the deadline;

(E) The division may modify the examination findings and finalize the report, as appropriate. Upon determination that the report is final, the division shall forward a copy of the final report to the company along with a notice apprising the company of its rights under subsection (1)(F), below;

(F) The company shall, within thirty (30) days of receipt of the final report, accept the final report, accept the findings of the report, file written comments, or petition to modify the findings with a request for hearing. The company is not obligated to submit a response to the final report. The director may allow an additional thirty (30) days if requested by the company. Any petition to modify the findings with a hearing request shall be made in writing, and a hearing shall be held. After a hearing the director shall issue final examination findings; and

(G) Within thirty (30) days of the end of the period allowed for the receipt of an acceptance or comments by the company or following a hearing, the director shall fully consider and review the report, together with any written comments and any relevant portions of the examiner's work papers and enter an order:

1. Accepting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, regulation, or prior order of the director, the director may issue an order for any legal or regulatory action as the director deems appropriate, provided that this order shall be a confidential internal order directing the department to take certain action, or the company and the division may negotiate a consent order, curative order, or settlement agreement. Any such order or agreement shall be final once issued or approved by the director;

2. Rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional documents, data, information, and requiring the submission of either a new report or a supplemental report; or

3. For an investigatory hearing with no less than twenty (20) days' notice to the company for purposes of obtaining additional documents, data, information, and testimony.

(2) Once all administrative proceedings regarding the examination pursuant to subsections (1)(F) and (1)(G) are final, the department shall make available written and electronic versions of the final report. Both versions of the final report shall include the company's written response, if any, and any negotiated text of the examination report and the concluding document, whether that is an administrative order of the director, curative order of the director, or a stipulation of settlement and order.

(3) All orders entered pursuant to subsection (1)(G) shall be accompanied by findings and conclusions resulting from the director's consideration and review of the examination report, relevant examiner work papers, and written submissions, rebuttals, or comments, if any submitted by the company. A finding issued under subsection (1)(F) shall not be considered a final order. Any order issued under paragraph (1)(G)1. shall be considered a final administrative decision and may be appealed pursuant to section 374.055, RSMo, Chapter 536, RSMo, and 20 CSR 800-1.100 and shall be served upon the company by certified mail, together with a copy of the final examination report. Within thirty (30) days of the issuance of the final findings, as outlined in subsection (1)(G), the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the final report and related orders.

(4) In conducting an investigatory hearing pursuant to paragraph (1)(G)3.—

(D) The division shall proceed with evidence, including representatives of the company. Thereafter, the company may present testimony relevant to the investigation.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 200—Insurance Solvency and Company
Regulation**

Chapter 6—Surplus Lines

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under sections 374.045, 384.017, 384.031, and 384.057, RSMo 2000, the director amends a rule as follows:

20 CSR 200-6.100 Surplus Lines Insurance Forms is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1163-1164). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held July 18, 2008, and the public comment period ended July 18, 2008. At the public hearing, the Insurance Solvency and Company Regulation Division staff explained the proposed amendment and no comments were made.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 1100—Division of Credit Unions
Chapter 1—Organization**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

20 CSR 1100-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1081). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Credit Unions received one (1) comment on the proposed amendment.

COMMENT: The Missouri Credit Union Association submitted a comment in support of the proposed amendment.

RESPONSE: The Missouri Division of Credit Unions appreciates the comment from the Missouri Credit Union Association.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director adopts a rule as follows:

20 CSR 1100-2.012 Accuracy of Advertising and Use of Credit Union Name is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1081). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Credit Unions received one (1) comment on the proposed rule.

COMMENT: The Missouri Credit Union Association submitted a comment in support of the proposed rule.

RESPONSE: The Missouri Division of Credit Unions appreciates the comment from the Missouri Credit Union Association.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

20 CSR 1100-2.030 Surety Bond Requirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1082). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The director received one (1) comment on the proposed amendment.

COMMENT: The Missouri Credit Union Association submitted a comment in support of the proposed amendment.

RESPONSE: The Missouri Division of Credit Unions appreciates the comment from the Missouri Credit Union Association.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

20 CSR 1100-2.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2008

(33 MoReg 1082–1083). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The director received one (1) comment on the proposed amendment.

COMMENT: The Missouri Credit Union Association (MCUA) submitted a comment generally in support of the proposed amendment. The MCUA indicated that it is unnecessary for credit unions to submit to the director documentation of a credit union's handling of an elected official with a severely delinquent loan. The MCUA also stated the purchase of repossessed assets that employees and elected officials purchase should be handled through policy.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Division of Credit Unions appreciates the comments from the MCUA. The director acknowledges that the Division of Credit Unions would be informed of a delinquent official through the examination process. However, there is a twelve to eighteen (12–18)-month period between examinations. The director feels as though the Division of Credit Unions needs this information in a timelier manner than the typical examination schedule provides. The director has amended section (5) regarding the purchase of repossessed assets. The director has also amended section (4) for purposes of clarity.

20 CSR 1100-2.040 Loans

(4) When a member of the board of directors or of the credit or supervisory committee makes application to the credit union of which s/he is an official—

(C) Any loan to a member of the board of directors or to a member of the supervisory or credit committee that becomes sixty (60) days or more delinquent shall be reported to the board of directors by the president or manager at the next board meeting following the discovery of the delinquency. That report shall be included in the board minutes. A copy of this report shall be forwarded by mail to the director of the Division of Credit Unions. The board then shall act to make appropriate arrangements to bring the loan(s) current. Arrangements to bring the loan current shall be on terms no more favorable than those available to other members and be acceptable to the director of the Division of Credit Unions. In no event shall a loan to an official become more than ninety (90) days delinquent nor shall any loan remain thirty (30) days or more delinquent for more than one hundred eighty (180) consecutive days;

(5) The credit union's board of directors must adopt a clear and concise policy regarding employees and elected officials and their immediate family members bidding on and/or purchasing assets, such as vehicles, that were previously repossessed by the credit union. The credit union must also implement the proper steps to ensure the policy is followed, which should include preventing the possibility of insider abuse, which includes a bidding process. Any purchases of credit union assets, by employees or elected officials or members of their immediate family, must be reported to the board of directors and recorded in the board minutes.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

20 CSR 1100-2.060 Delinquent Loan and Extension Agreements Reporting Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1083). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Credit Unions received one (1) comment on the proposed rule.

COMMENT: The Missouri Credit Union Association submitted a comment in support of the proposed amendment.
RESPONSE: The Missouri Division of Credit Unions appreciates the comment from the Missouri Credit Union Association.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

20 CSR 1100-2.130 Credit Union Investments: United States Government Securities and Obligations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1083-1084). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Credit Unions received one (1) comment on the proposed amendment.

COMMENT: The Missouri Credit Union Association submitted a comment in support of the proposed amendment.
RESPONSE: The Missouri Division of Credit Unions appreciates the comment from the Missouri Credit Union Association.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

20 CSR 1100-2.135 Credit Union Investments: Other is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1084). No changes have been made in the text of the pro-

posed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Credit Unions received one (1) comment on the proposed amendment.

COMMENT: The Missouri Credit Union Association submitted a comment in support of the proposed amendment.
RESPONSE: The Missouri Division of Credit Unions appreciates the comment from the Missouri Credit Union Association.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

20 CSR 1100-2.205 Deposit and Securing of Public Funds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1084). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Credit Unions received one (1) comment on the proposed amendment.

COMMENT: The Missouri Credit Union Association submitted a comment in support of the proposed amendment.
RESPONSE: The Missouri Division of Credit Unions appreciates the comment from the Missouri Credit Union Association.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director adopts a rule as follows:

20 CSR 1100-2.230 Security Program, Report of Crime and Catastrophic Act and Bank Secrecy Act Compliance: Federal Insurance Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1085). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Credit Unions received one (1) comment on the proposed rule.

COMMENT: The Missouri Credit Union Association submitted a comment in support of the proposed rule.

RESPONSE: The Missouri Division of Credit Unions appreciates the comment from the Missouri Credit Union Association.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2220—State Board of Pharmacy
Chapter 6—Pharmaceutical Care Standards**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.280, RSMo 2000 and section 338.010.1, RSMo Supp. 2007, the board adopts a rule as follows:

**20 CSR 2220-6.040 Administration By Medical Prescription
Order is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1085–1086). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Pharmacy received one (1) comment on the proposed rule.

COMMENT: Michelle Cope, with the National Association of Chain Drug Stores (NACDS), commented on behalf of approximately seven hundred fifty (750) chain pharmacies operating in Missouri. NACDS commends the State Board of Pharmacy for issuing the emergency and proposed rules to allow pharmacists to administer drugs pursuant to a medical prescription order.

RESPONSE: The State Board of Pharmacy appreciates the support from NACDS. No changes have been made to the rule as a result of this comment.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before October 31, 2008.

ADDRESSES: You may submit comments concerning an applicant, identified by the application number stated below, by any of the following methods:

•**Email:** Kathy.Hatfield@modot.mo.gov

•**Mail:** PO Box 893, Jefferson City, MO 65102-0893

•**Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109

Instructions: All comments submitted must include the agency name and application number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection, and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

•**By submitting** any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.

•**Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2007, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP080721037

Applicant's Name & Age: Jeremy Leon Igert, 31

Relevant Physical Condition: Mr. Igert's best-corrected visual acuity in both eyes is 20/20 Snellen. He has insulin-treated diabetes mellitus and has been using insulin for control since January 2008.

Relevant Driving Experience: Mr. Igert has driven approximately 9 years for a Pepsi and related product company in Springfield, MO. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in July 2008, his endocrinologist certified, "In my medical opinion, Mr. Igert's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application # MP050614025

Renewal Applicant's Name & Age: John K. Kauffman, 31

Relevant Physical Condition: Mr. Kauffman's best uncorrected visual acuity in his right eye is 20/15 Snellen and he has light perception in his left eye, due to an accident in 1994.

Relevant Driving Experience: He is currently employed with Allied Waste and has driven commercial motor vehicles for approximately 6 years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2008, his optometrist certified, "In my medical opinion, Mr. Kauffman's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: September 4, 2008

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the expedited applications listed below. A decision is tentatively scheduled for October 22, 2008. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

09/10/08

#4266 NP: James River Care and Rehabilitation Center
Springfield (Greene County)
\$2,000,000, Long-term care bed expansion through the purchase of 18 skilled nursing facility beds from Christian Care Home, Ferguson (St. Louis County)

#4267 HS: St. John's Health System
Springfield (Greene County)
\$2,721,132, Replace angiography unit

#4264 HS: Barnes-Jewish Hospital
St. Louis (St. Louis City)
\$1,707,607, Replace magnetic resonance imager

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by October 13, 2008. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, 573-751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF WINDING UP LIMITED LIABILITY COMPANY

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST DBT PROPERTIES, LLC., a Missouri limited liability company.

On July 28, 2008, **DBT Properties, LLC.** a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State.

The Company requests that all persons and organizations with claims against it present them immediately by letter to the attention of TIMOTHY INMAN, 601 Market Street, PO BOX 404, Ste. Genevieve, MO 63670. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST STUDENT SUITES GOGEBIC COMMUNITY COLLEGE LLC.

On August 1, 2008, the members of Student Suites Gogebic Community College LLC, a Missouri limited liability company, voted to dissolve the LLC. On August 14, 2008, a notice of winding up was filed with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against Student Suites Gogebic Community College LLC, you must submit a summary in writing of the circumstances surrounding your claim to Michael P. Dubé, 3145 Broadway, Kansas City, Missouri 64111. The summary of your claim must include the following information: the name, address, and telephone number of the claimant; the amount of the claim; the basis for the claim; and documentation of the claim. All claims against Student Suites Gogebic Community College LLC will be barred unless a proceeding to enforce the claim is commenced within three years after publication of this notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST STUDENT SUITES TEXAS LLC.

On August 1, 2008, the members of Student Suites Texas LLC, a Missouri limited liability company, voted to dissolve the LLC. On August 14, 2008, a notice of winding up was filed with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against Student Suites Texas LLC, you must submit a summary in writing of the circumstances surrounding your claim to Michael P. Dubé, 3145 Broadway, Kansas City, Missouri 64111. The summary of your claim must include the following information: the name, address, and telephone number of the claimant; the amount of the claim; the basis for the claim; and documentation of the claim. All claims against Student Suites Texas LLC, will be barred unless a proceeding to enforce the claim is commenced within three years after publication of this notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST STUDENT SUITES MISSOURI, LLC.

On August 1, 2008, the members of Student Suites Missouri, LLC, a Missouri limited liability company, voted to dissolve the LLC. On August 14, 2008, a notice of winding up was filed with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against Student Suites Missouri, LLC, you must submit a summary in writing of the circumstances surrounding your claim to Michael P. Dubé, 3145 Broadway, Kansas City, Missouri 64111. The summary of your claim must include the following information: the name, address, and telephone number of the claimant; the amount of the claim; the basis for the claim; and documentation of the claim. All claims against Student Suites Missouri, LLC will be barred unless a proceeding to enforce the claim is commenced within three years after publication of this notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST STUDENT SUITES COLORADO LLC.

On August 1, 2008, the members of Student Suites Colorado LLC, a Missouri limited liability company, voted to dissolve the LLC. On August 14, 2008, a notice of winding up was filed with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against Student Suites Colorado LLC, you must submit a summary in writing of the circumstances surrounding your claim to Michael P. Dubé, 3145 Broadway, Kansas City, Missouri 64111. The summary of your claim must include the following information: The name, address, and telephone number of the claimant; the amount of the claim; the basis for the claim; and documentation of the claim. All claims against Student Suites Colorado LLC, will be barred unless a proceeding to enforce the claim is commenced within three years after publication of this notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST STUDENT SUITES AND GIL BERRY & ASSOCIATES ALABAMA, LLC.

On August 1, 2008, the members of Student Suites and Gil Berry & Associates Alabama, LLC, a Missouri limited liability company, voted to dissolve the LLC. On August 14, 2008, a notice of winding up was filed with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against Student Suites and Gil Berry & Associates Alabama, LLC, you must submit a summary in writing of the circumstances surrounding your claim to Michael P. Dubé, 3145 Broadway, Kansas City, Missouri 64111. The summary of your claim must include the following information: the name, address, and telephone number of the claimant; the amount of the claim; the basis for the claim; and documentation of the claim. All claims against Student Suites and Gil Berry & Associates Alabama, LLC, will be barred unless a proceeding to enforce the claim is commenced within three years after publication of this notice.

**NOTICE OF CORPORATE DISSOLUTION
TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
MINERAL AREA HEALTH SERVICES, INC.**

On August 7, 2008, MINERAL AREA HEALTH SERVICES, INC. filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. Dissolution was effective on the filing date. Persons with claims against MINERAL AREA HEALTH SERVICE, INC. should submit them in writing with the following information: (1) amount of the claim; (2) basis for the claim; and (3) documentation supporting the claim. The claim must be mailed to Rick Jenkins, 1212 Weber Road, Farmington, Missouri 63640. A claim against the corporation will be barred unless a proceeding to enforce a claim is commenced within two years after the publication of this notice.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY

**NOTICE TO ALL CREDITORS OF AND CLAIMANTS AGAINST PSSC 1998-C1
PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY.**

On August 21, 2008, PSSC 1998-C1 Properties LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Dissolution was effective on August 19, 2008.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the limited liability company as follows:

Attention: Clark Rogers, Senior Vice President
c/o KeyCorp Real Estate Capital Markets, Inc.
911 Main Street, Suite 1500
Kansas City, MO 64105

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; the date(s) on which the event(s) on which the claim is based occurred; and documentation supporting the claim.

NOTICE: Because of the dissolution of PSSC 1998-C1 Properties LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of the three notices authorized by statute, whichever is published last.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-4.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548		
1 CSR 10-15.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548		33 MoReg 1676
1 CSR 15-1.201	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-1.207	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-3.320	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.350	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.380	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.390	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.431	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.436	Administrative Hearing Commission		33 MoReg 1395		
1 CSR 15-3.440	Administrative Hearing Commission		33 MoReg 1395R		
1 CSR 15-3.446	Administrative Hearing Commission		33 MoReg 1396		
1 CSR 15-3.490	Administrative Hearing Commission		33 MoReg 1396		
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		33 MoReg 1703		
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		33 MoReg 1704		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-1.020	Animal Health		33 MoReg 1221		
2 CSR 30-2.040	Animal Health		33 MoReg 717	33 MoReg 1591	
2 CSR 30-10.010	Animal Health		33 MoReg 1397		
2 CSR 30-11.010	Animal Health	33 MoReg 1534	33 MoReg 1706		
2 CSR 70-11.050	Plant Industries	This Issue			
2 CSR 70-40.005	Plant Industries		This Issue		
2 CSR 70-40.015	Plant Industries		33 MoReg 627	33 MoReg 1481	
2 CSR 70-40.017	Plant Industries		33 MoReg 628	33 MoReg 1482	
2 CSR 70-40.025	Plant Industries		33 MoReg 628	33 MoReg 1483	
2 CSR 70-40.040	Plant Industries		33 MoReg 629	33 MoReg 1484	
2 CSR 70-40.055	Plant Industries		33 MoReg 630R	33 MoReg 1484	
2 CSR 90-10	Weight and Measures				33 MoReg 1193
2 CSR 110-2.010	Office of the Director		33 MoReg 1333		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		33 MoReg 1073	33 MoReg 1592	
3 CSR 10-7.440	Conservation Commission		N.A.	33 MoReg 1593	
			N.A.	33 MoReg 1752	
3 CSR 10-7.455	Conservation Commission		N.A.	33 MoReg 261	33 MoReg 276
3 CSR 10-9.442	Conservation Commission		N.A.	33 MoReg 1753	
3 CSR 10-12.109	Conservation Commission		33 MoReg 1075	33 MoReg 1593	
3 CSR 10-12.135	Conservation Commission		33 MoReg 1075	33 MoReg 1593	
3 CSR 10-12.140	Conservation Commission		33 MoReg 1076	33 MoReg 1593	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-5.010	Division of Business and Community Services		33 MoReg 1555		
4 CSR 85-5.020	Division of Business and Community Services		33 MoReg 1556		
4 CSR 85-5.030	Division of Business and Community Services		33 MoReg 1556		
4 CSR 240-18.010	Public Service Commission		33 MoReg 1133		
4 CSR 240-20.065	Public Service Commission		33 MoReg 1397		
4 CSR 240-31.010	Public Service Commission	33 MoReg 1651	33 MoReg 1660		
4 CSR 240-33.160	Public Service Commission		33 MoReg 522	33 MoReg 1485	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 80-631.010	Teacher Quality and Urban Education		33 MoReg 1076R		
5 CSR 80-800.200	Teacher Quality and Urban Education		33 MoReg 525	33 MoReg 1493	
5 CSR 80-800.220	Teacher Quality and Urban Education		33 MoReg 526	33 MoReg 1493	
5 CSR 80-800.230	Teacher Quality and Urban Education		33 MoReg 526	33 MoReg 1493	
5 CSR 80-800.260	Teacher Quality and Urban Education		33 MoReg 527	33 MoReg 1493	
5 CSR 80-800.270	Teacher Quality and Urban Education		33 MoReg 527	33 MoReg 1493	
5 CSR 80-800.280	Teacher Quality and Urban Education		33 MoReg 527	33 MoReg 1494	
5 CSR 80-800.285	Teacher Quality and Urban Education		33 MoReg 974	33 MoReg 1753	
5 CSR 80-800.350	Teacher Quality and Urban Education		33 MoReg 528	33 MoReg 1494	
5 CSR 80-800.360	Teacher Quality and Urban Education		33 MoReg 528	33 MoReg 1494	
5 CSR 80-800.380	Teacher Quality and Urban Education		33 MoReg 529	33 MoReg 1494	

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5 CSR 80-850.045	Teacher Quality and Urban Education		33 MoReg 529R 33 MoReg 530	33 MoReg 1495R 33 MoReg 1495	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-25.010	Missouri Highways and Transportation Commission				33 MoReg 1612 33 MoReg 1768 This Issue
7 CSR 10-25.020	Missouri Highways and Transportation Commission	33 MoReg 1535	33 MoReg 1559		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.010	Division of Employment Security		33 MoReg 1710		
8 CSR 10-4.200	Division of Employment Security		33 MoReg 1660		
8 CSR 30-4.010	Division of Labor Standards		33 MoReg 1710R 33 MoReg 1710		
8 CSR 30-4.020	Division of Labor Standards		33 MoReg 1711R 33 MoReg 1711		
8 CSR 30-4.030	Division of Labor Standards		33 MoReg 1712R		
8 CSR 30-4.040	Division of Labor Standards		33 MoReg 1712		
8 CSR 30-4.060	Division of Labor Standards		33 MoReg 1712		
8 CSR 50-2.030	Division of Workers' Compensation				33 MoReg 1769
8 CSR 50-2.060	Division of Workers' Compensation				33 MoReg 1769
8 CSR 50-3.010	Division of Workers' Compensation		33 MoReg 1713		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-31.030	Director, Department of Mental Health	33 MoReg 1379	33 MoReg 1407		
9 CSR 30-4.0431	Certification Standards		This Issue		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.150	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-2.385	Air Conservation Commission		33 MoReg 1573		
10 CSR 10-4.140	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.250	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.290	Air Conservation Commission		This IssueR		
10 CSR 10-5.385	Air Conservation Commission		33 MoReg 1574		
10 CSR 10-5.430	Air Conservation Commission		33 MoReg 1661R		
10 CSR 10-6.020	Air Conservation Commission		33 MoReg 630	33 MoReg 1499	
10 CSR 10-6.070	Air Conservation Commission		33 MoReg 908	This Issue	
10 CSR 10-6.075	Air Conservation Commission		33 MoReg 909	This Issue	
10 CSR 10-6.080	Air Conservation Commission		33 MoReg 910	This Issue	
10 CSR 10-6.110	Air Conservation Commission		33 MoReg 1231		
10 CSR 10-6.220	Air Conservation Commission		33 MoReg 643	33 MoReg 1502	
10 CSR 20-6.010	Clean Water Commission		33 MoReg 1134		
10 CSR 20-6.300	Clean Water Commission		33 MoReg 1134		
10 CSR 23-1.050	Division of Geology and Land Survey		33 MoReg 1661		
10 CSR 23-1.060	Division of Geology and Land Survey		33 MoReg 1664		
10 CSR 23-2.010	Division of Geology and Land Survey		33 MoReg 1408		
10 CSR 70-5.040	Soil and Water Districts Commission		33 MoReg 1334		
10 CSR 70-8.040	Soil and Water Districts Commission		33 MoReg 1335		
10 CSR 70-9.010	Soil and Water Districts Commission		33 MoReg 1722		
10 CSR 140-2	Division of Energy				33 MoReg 1103 33 MoReg 1193
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 40-7.010	Division of Fire Safety	33 MoReg 967	33 MoReg 976	This Issue	
11 CSR 70-2.020	Division of Alcohol and Tobacco Control		33 MoReg 1335		
11 CSR 75-1.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-2.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-13.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-13.020	Peace Officer Standards and Training Program		33 MoReg 1416		
11 CSR 75-13.030	Peace Officer Standards and Training Program		33 MoReg 1416		
11 CSR 75-13.040	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.050	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.060	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.070	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.080	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.090	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.100	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.010	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.020	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.030	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.040	Peace Officer Standards and Training Program		33 MoReg 1420		
11 CSR 75-14.050	Peace Officer Standards and Training Program		33 MoReg 1420		
11 CSR 75-14.060	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.070	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.080	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-15.010	Peace Officer Standards and Training Program		33 MoReg 1422		
11 CSR 75-15.020	Peace Officer Standards and Training Program		33 MoReg 1422		
11 CSR 75-15.030	Peace Officer Standards and Training Program		33 MoReg 1423		

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11 CSR 75-15.040	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.050	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.060	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.070	Peace Officer Standards and Training Program		33 MoReg 1424		
11 CSR 75-16.010	Peace Officer Standards and Training Program		33 MoReg 1424		
DEPARTMENT OF REVENUE					
12 CSR 10-2.740	Director of Revenue		33 MoReg 1336		
12 CSR 10-26.010	Director of Revenue		33 MoReg 1153	This Issue	
12 CSR 10-26.040	Director of Revenue		33 MoReg 1157	This Issue	
12 CSR 10-26.210	Director of Revenue		33 MoReg 1157		
12 CSR 10-26.220	Director of Revenue		33 MoReg 1424		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 30-4.010	Child Support Enforcement		33 MoReg 1078R	33 MoReg 1754R	
13 CSR 35-71	Children's Division (<i>Changed from 13 CSR 40-71</i>)				33 MoReg 1676
13 CSR 35-71.010	Children's Division (<i>Changed from 13 CSR 40-71.010</i>)	33 MoReg 1651	33 MoReg 1664		
13 CSR 35-71.020	Children's Division (<i>Changed from 13 CSR 40-71.020</i>)	33 MoReg 1653	33 MoReg 1665		
13 CSR 35-71.030	Children's Division (<i>Changed from 13 CSR 40-71.030</i>)	33 MoReg 1654	33 MoReg 1668		
13 CSR 35-71.040	Children's Division (<i>Changed from 13 CSR 40-71.040</i>)	33 MoReg 1655	33 MoReg 1668		
13 CSR 35-71.045	Children's Division (<i>Changed from 13 CSR 40-71.045</i>)	33 MoReg 1655	33 MoReg 1669		
13 CSR 40-71	Family Support Division (<i>Changed to 13 CSR 35-71</i>)				33 MoReg 1676
13 CSR 40-71.010	Family Support Division (<i>Changed to 13 CSR 35-71.010</i>)	33 MoReg 1651	33 MoReg 1664		
13 CSR 40-71.020	Family Support Division (<i>Changed to 13 CSR 35-71.020</i>)	33 MoReg 1653	33 MoReg 1665		
13 CSR 40-71.030	Family Support Division (<i>Changed to 13 CSR 35-71.030</i>)	33 MoReg 1654	33 MoReg 1668		
13 CSR 40-71.040	Family Support Division (<i>Changed to 13 CSR 35-71.040</i>)	33 MoReg 1655	33 MoReg 1668		
13 CSR 40-71.045	Family Support Division (<i>Changed to 13 CSR 35-71.045</i>)	33 MoReg 1655	33 MoReg 1669		
13 CSR 70-3.100	MO HealthNet Division		33 MoReg 1671		
13 CSR 70-3.105	MO HealthNet Division		33 MoReg 1671		
13 CSR 70-3.170	MO HealthNet Division	33 MoReg 1380	33 MoReg 785	33 MoReg 1503	
13 CSR 70-4.080	Division of Medical Services		33 MoReg 1231		
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-6.010	MO HealthNet Division		33 MoReg 1672		
13 CSR 70-10.015	MO HealthNet Division		33 MoReg 1425		
13 CSR 70-10.016	MO HealthNet Division		33 MoReg 1429		
13 CSR 70-10.030	MO HealthNet Division	33 MoReg 1382	33 MoReg 1433		
13 CSR 70-10.080	MO HealthNet Division		33 MoReg 1442		
13 CSR 70-15.010	MO HealthNet Division	33 MoReg 1383	33 MoReg 1444		
13 CSR 70-15.110	MO HealthNet Division	33 MoReg 1384	33 MoReg 1453		
13 CSR 70-25.110	MO HealthNet Division		33 MoReg 1722		
13 CSR 70-26.010	MO HealthNet Division		33 MoReg 1234		
13 CSR 70-30.010	MO HealthNet Division		33 MoReg 1235		
13 CSR 70-45.010	MO HealthNet Division		33 MoReg 789	33 MoReg 1754	
13 CSR 70-94.010	MO HealthNet Division		33 MoReg 1723		
13 CSR 70-94.020	MO HealthNet Division		33 MoReg 1725		
13 CSR 70-98.015	MO HealthNet Division		33 MoReg 1235		
DEPARTMENT OF CORRECTIONS					
14 CSR 80-5.010	State Board of Probation and Parole		33 MoReg 1672		
14 CSR 80-5.020	State Board of Probation and Parole		33 MoReg 1673		
ELECTED OFFICIALS					
15 CSR 30-51.170	Secretary of State		33 MoReg 910		
15 CSR 30-51.172	Secretary of State		33 MoReg 913		
BOARDS OF POLICE COMMISSIONERS					
17 CSR 20-2.025	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.065	St. Louis Board of Police Commissioners		33 MoReg 1159		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		33 MoReg 1161		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		33 MoReg 1162		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		33 MoReg 1162		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 20-3.060	Division of Community and Public Health				33 MoReg 1613

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19 CSR 30-20.125	Division of Regulation and Licensure		33 MoReg 550	33 MoReg 1503	
19 CSR 30-40.308	Division of Regulation and Licensure		33 MoReg 1238		
19 CSR 30-40.331	Division of Regulation and Licensure		33 MoReg 1243		
19 CSR 30-40.342	Division of Regulation and Licensure		33 MoReg 1250		
19 CSR 30-40.410	Division of Regulation and Licensure		33 MoReg 1257		
19 CSR 30-40.420	Division of Regulation and Licensure		33 MoReg 1258		
19 CSR 30-40.430	Division of Regulation and Licensure		33 MoReg 1261		
19 CSR 30-40.528	Division of Regulation and Licensure		33 MoReg 1271		
19 CSR 30-82.010	Division of Regulation and Licensure		33 MoReg 790	33 MoReg 1754	
19 CSR 30-83.010	Division of Regulation and Licensure		33 MoReg 792	33 MoReg 1754	
19 CSR 30-84.020	Division of Regulation and Licensure		33 MoReg 793	33 MoReg 1756	
19 CSR 30-84.030	Division of Regulation and Licensure		33 MoReg 798	33 MoReg 1757W	
19 CSR 30-85.022	Division of Regulation and Licensure		33 MoReg 812	33 MoReg 1760W	
19 CSR 30-85.032	Division of Regulation and Licensure		33 MoReg 817	33 MoReg 1762	
19 CSR 30-86.012	Division of Regulation and Licensure		33 MoReg 819	33 MoReg 1762	
19 CSR 30-86.022	Division of Regulation and Licensure		33 MoReg 820	33 MoReg 1763W	
19 CSR 30-86.032	Division of Regulation and Licensure		33 MoReg 827	33 MoReg 1766W	
19 CSR 30-86.045	Division of Regulation and Licensure		33 MoReg 829	33 MoReg 1766	
19 CSR 30-86.047	Division of Regulation and Licensure		33 MoReg 830	33 MoReg 1766	
19 CSR 30-88.010	Division of Regulation and Licensure		33 MoReg 836	33 MoReg 1767	
19 CSR 60-50	Missouri Health Facilities Review Committee				33 MoReg 1613 33 MoReg 1676 This Issue
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667 33 MoReg 150
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150
20 CSR 100-7.002	Insurer Conduct		33 MoReg 915	This Issue	
20 CSR 100-7.005	Insurer Conduct		33 MoReg 916	This Issue	
20 CSR 100-8.002	Insurer Conduct		33 MoReg 916	This Issue	
20 CSR 100-8.005	Insurer Conduct		33 MoReg 917	This Issue	
20 CSR 100-8.008	Insurer Conduct		33 MoReg 918	This Issue	
20 CSR 100-8.012	Insurer Conduct		33 MoReg 919	This Issue	
20 CSR 100-8.014	Insurer Conduct		33 MoReg 919	This Issue	
20 CSR 100-8.015	Insurer Conduct		33 MoReg 920	This Issue	
20 CSR 100-8.016	Insurer Conduct		33 MoReg 921	This Issue	
20 CSR 100-8.017	Insurer Conduct		33 MoReg 921	This Issue	
20 CSR 100-8.018	Insurer Conduct		33 MoReg 922	This Issue	
20 CSR 100-8.040	Insurer Conduct	33 MoReg 1386	33 MoReg 1456		
20 CSR 200-6.100	Insurance Solvency and Company Regulation		33 MoReg 1163	This Issue	
20 CSR 200-18.010	Insurance Solvency and Company Regulation		33 MoReg 557	33 MoReg 1593	
20 CSR 200-18.020	Insurance Solvency and Company Regulation		33 MoReg 557	33 MoReg 1594	
20 CSR 200-18.110	Insurance Solvency and Company Regulation		33 MoReg 559	33 MoReg 1594	
20 CSR 200-18.120	Insurance Solvency and Company Regulation		33 MoReg 561	33 MoReg 1594	
20 CSR 300-1.100	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-1.200	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-2.100	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1457R		
20 CSR 300-2.200	Market Conduct Examinations	33 MoReg 1388R	33 MoReg 1457R		
20 CSR 300-3.100	Market Conduct Examinations		33 MoReg 1457R		
20 CSR 400-1.010	Life, Annuities and Health		33 MoReg 1276		
20 CSR 400-1.050	Life, Annuities and Health		33 MoReg 1276R		
20 CSR 400-1.170	Life, Annuities and Health		33 MoReg 1278		
20 CSR 400-1.175	Life, Annuities and Health		33 MoReg 1281		
20 CSR 400-7.180	Life, Annuities and Health		33 MoReg 1165		
20 CSR 500-7.020	Property and Casualty	33 MoReg 507	33 MoReg 562	33 MoReg 1595	
20 CSR 500-7.030	Property and Casualty	33 MoReg 507	33 MoReg 563	33 MoReg 1597	
20 CSR 500-7.050	Property and Casualty	33 MoReg 508	33 MoReg 563	33 MoReg 1598	
20 CSR 500-7.060	Property and Casualty	33 MoReg 509	33 MoReg 566	33 MoReg 1600	
20 CSR 500-7.070	Property and Casualty	33 MoReg 510	33 MoReg 566	33 MoReg 1601	
20 CSR 500-7.090	Property and Casualty	33 MoReg 510	33 MoReg 567	33 MoReg 1602	
20 CSR 500-7.100	Property and Casualty	33 MoReg 511	33 MoReg 567	33 MoReg 1604	
20 CSR 500-7.130	Property and Casualty	33 MoReg 514	33 MoReg 570	33 MoReg 1605	
20 CSR 500-7.200	Property and Casualty	33 MoReg 515	33 MoReg 571	33 MoReg 1607	
20 CSR 700-1.140	Insurance Licensing		33 MoReg 1167		
20 CSR 700-1.148	Insurance Licensing		33 MoReg 1078		
20 CSR 700-8.005	Insurance Licensing		33 MoReg 575	33 MoReg 1608	
20 CSR 700-8.100	Insurance Licensing	33 MoReg 519	33 MoReg 576	33 MoReg 1608	
20 CSR 700-8.150	Insurance Licensing	33 MoReg 520	33 MoReg 577	33 MoReg 1609	
20 CSR 700-8.160	Insurance Licensing	33 MoReg 521	33 MoReg 577	33 MoReg 1609	
20 CSR 1100-1.010	Division of Credit Unions		33 MoReg 1081	This Issue	
20 CSR 1100-2.012	Division of Credit Unions		33 MoReg 1081	This Issue	
20 CSR 1100-2.030	Division of Credit Unions		33 MoReg 1082	This Issue	
20 CSR 1100-2.040	Division of Credit Unions		33 MoReg 1082	This Issue	

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20 CSR 1100-2.060	Division of Credit Unions		33 MoReg 1083	This Issue	
20 CSR 1100-2.130	Division of Credit Unions		33 MoReg 1083	This Issue	
20 CSR 1100-2.135	Division of Credit Unions		33 MoReg 1084	This Issue	
20 CSR 1100-2.205	Division of Credit Unions		33 MoReg 1084	This Issue	
20 CSR 1100-2.230	Division of Credit Unions		33 MoReg 1085	This Issue	
20 CSR 2010-1.020	Missouri State Board of Accountancy		33 MoReg 1283		
20 CSR 2015-1.020	Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2015-2.010	Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2015-2.020	Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2015-4.010	Acupuncturist Advisory Committee		33 MoReg 1459		
20 CSR 2030-5.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 1727		
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 1730		
20 CSR 2030-11.025	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 1730		
20 CSR 2065-1.030	Endowed Care Cemeteries		33 MoReg 1337		
20 CSR 2070-2.031	State Board of Chiropractic Examiners		33 MoReg 1731		
20 CSR 2070-2.080	State Board of Chiropractic Examiners		33 MoReg 1736		
20 CSR 2070-2.081	State Board of Chiropractic Examiners		33 MoReg 1741		
20 CSR 2070-2.090	State Board of Chiropractic Examiners		33 MoReg 1741		
20 CSR 2070-4.030	State Board of Chiropractic Examiners		33 MoReg 1745		
20 CSR 2145-1.040	Missouri Board of Geologist Registration		33 MoReg 1337		
20 CSR 2150-4.060	State Board of Registration for the Healing Arts		33 MoReg 923	33 MoReg 1609	
20 CSR 2150-4.080	State Board of Registration for the Healing Arts		33 MoReg 926	33 MoReg 1610	
20 CSR 2150-7.137	State Board of Registration for the Healing Arts		33 MoReg 1167		
20 CSR 2150-7.300	State Board of Registration for the Healing Arts		33 MoReg 1285		
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1459		
20 CSR 2165-1.030	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1464		
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20 CSR 2205-1.010	Missouri Board of Occupational Therapy		33 MoReg 1338		
20 CSR 2205-1.050	Missouri Board of Occupational Therapy		33 MoReg 1579		
20 CSR 2205-5.010	Missouri Board of Occupational Therapy		33 MoReg 1582		
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20 CSR 2235-1.025	State Committee of Psychologists		33 MoReg 1585		
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20 CSR 2245-8.030	Real Estate Appraisers		33 MoReg 928	33 MoReg 1610	
20 CSR 2255-2.060	Missouri Board for Respiratory Care		33 MoReg 1338		
20 CSR 2267-1.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339		
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20 CSR 2267-2.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339		
20 CSR 2267-5.010	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339		
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20 CSR 2270-1.040	Missouri Veterinary Medical Board		33 MoReg 1477		
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20 CSR 2270-5.021	Missouri Veterinary Medical Board		33 MoReg 1480		
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1 CSR 10-4.010	State of Missouri Vendor Payroll Deductions33 MoReg 1531	July 24, 2008 Dec. 31, 2008
1 CSR 10-15.010	Cafeteria Plan33 MoReg 1531	July 24, 2008 Dec. 31, 2008
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2 CSR 30-11.010	Large Animal Veterinary Student Loan Program33 MoReg 1534	July 24, 2008 Feb. 26, 2009
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2 CSR 70-11.050	Emerald Ash Borer Intrastate QuarantineThis Issue	Aug. 28, 2008 Feb. 26, 2009
Department of Economic Development			
Public Service Commission			
4 CSR 240-31.010	Definitions . . . . .	.33 MoReg 1651	Aug. 1, 2008 Jan. 29, 2009
Department of Transportation			
Missouri Highways and Transportation Commission			
7 CSR 10-25.020	Overdimension and Overweight Permits . . . . .	.33 MoReg 1535	Sept. 2, 2008 Feb. 28, 2009
Department of Mental Health			
Director, Department of Mental Health			
9 CSR 10-31.030	Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance33 MoReg 1379	July 11, 2008 Dec. 28, 2008
Department of Public Safety			
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11 CSR 40-7.010	Blasting-Licensing, Registration, Notification, Requirements, and Penalties33 MoReg 967	July 1, 2008 Jan. 1, 2009
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Children's Division			
13 CSR 35-71.010	Definitions33 MoReg 1651	Aug. 4, 2008 Jan. 30, 2009
13 CSR 35-71.020	Basic Residential Child Care Core Requirements (Applicable to All Agencies)—Basis for Licensure and Licensing Procedures . . . . .	.33 MoReg 1653	Aug. 4, 2008 Jan. 30, 2009
13 CSR 35-71.030	Hearings and Judicial Review . . . . .	.33 MoReg 1654	Aug. 4, 2008 Jan. 30, 2009
13 CSR 35-71.040	Organization and Administration33 MoReg 1655	Aug. 4, 2008 Jan. 30, 2009
13 CSR 35-71.045	Personnel33 MoReg 1655	Aug. 4, 2008 Jan. 30, 2009
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13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance33 MoReg 1380	July 1, 2008 Dec. 28, 2008
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services . . . . .	.33 MoReg 1382	July 1, 2008 Dec. 28, 2008
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology . . . . .	.33 MoReg 1383	July 1, 2008 Dec. 28, 2008
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) . . . . .	.33 MoReg 1384	July 1, 2008 Dec. 28, 2008
13 CSR 70-20.320	Pharmacy Reimbursement AllowanceNext Issue	Sept. 22, 2008 March 20, 2009
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15 CSR 30-10.110	Voting Machines (Electronic)—Manual RecountNext Issue	Sept. 25, 2008 March 23, 2009
Department of Insurance, Financial Institutions and Professional Registration			
Insurer Conduct			
20 CSR 100-8.040	Insurer Record Retention33 MoReg 1386	July 30, 2008 Feb. 26, 2009
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20 CSR 300-1.100	Unfair Claims Settlement Rates33 MoReg 1387	July 30, 2008 Feb. 26, 2009
20 CSR 300-1.200	Fraudulent or Bad Faith Conduct Rules . . . . .	.33 MoReg 1387	July 30, 2008 Feb. 26, 2009
20 CSR 300-2.100	File and Record Documentation for Claims . . . . .	.33 MoReg 1387	July 30, 2008 Feb. 26, 2009
20 CSR 300-2.200	Records Required for Purposes of Market Conduct Examinations . . . . .	.33 MoReg 1388	July 30, 2008 Feb. 26, 2009
State Board of Pharmacy			
20 CSR 2220-6.040	Administration by Medical Prescription Order33 MoReg 1069	May 11, 2008 Feb. 18, 2009

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<u>2008</u>			
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-19	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	33 MoReg 1658
08-26	Extends the order contained in Executive Orders 08-21, 08-23, and 08-25	August 29, 2008	This Issue
08-27	Declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri	August 30, 2008	This Issue
08-28	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	August 30, 2008	This Issue

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08-29	Transfers the Breath Alcohol Program back to the Department of Health and Senior Services from the Department of Transportation by Type I transfer	September 12, 2008	Next Issue
08-30	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 15, 2008	Next Issue
08-31	Declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	September 15, 2008	Next Issue

2007

07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967

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07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391
07-23	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
07-25	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	32 MoReg 1902
07-26	Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs	August 30, 2007	32 MoReg 1904
07-27	Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne	September 7, 2007	32 MoReg 2035
07-28	The Executive Order denoted 05-16 is hereby rescinded	September 10, 2007	32 MoReg 2037
07-29	Amends the membership and the duties of the Governor's Advisory Council on Aging	September 17, 2007	32 MoReg 2038
07-30	Lists members of staff having supervisory authority over departments, divisions or agencies	September 13, 2007	32 MoReg 2041
07-31	Creates the Rural High-Speed Internet Access Task Force to deal with the lack of high-speed Internet access in rural Missouri communities	October 10, 2007	32 MoReg 2217
07-32	Declares that state offices will be closed on Friday, November 23, 2007	October 23, 2007	32 MoReg 2339
07-33	Declares that state offices will be closed on Monday December 24, 2007	December 4, 2007	33 MoReg 185
07-34	Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007	December 9, 2007	33 MoReg 186
07-35	Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007	December 9, 2007	33 MoReg 188
07-36	Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on December 8, 2007	December 10, 2007	33 MoReg 190
Emergency Declaration	Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue until the overpass has been removed and replaced	December 10, 2007	33 MoReg 192
07-37	Designates members of staff with supervisory authority over selected state agencies	December 26, 2007	33 MoReg 317
07-38	Extends Executive Order 07-01 through January 1, 2009	December 29, 2007	33 MoReg 319
07-39	Extends Executive Orders 07-34 and 07-36 through February 15, 2008	December 28, 2007	33 MoReg 321

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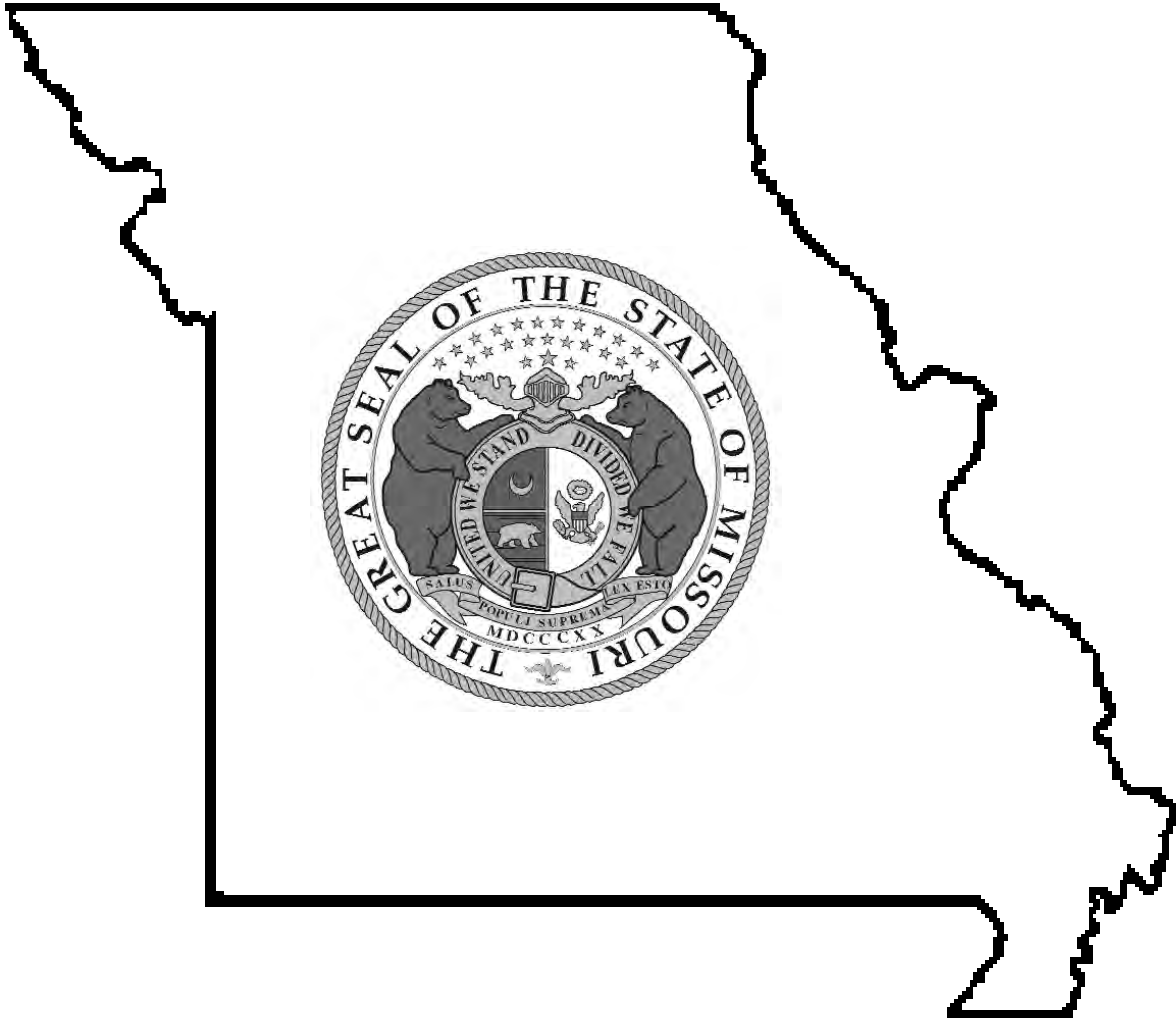
name and address changes; 20 CSR 2270-1.040; 8/1/08
public records; 20 CSR 2270-1.060; 8/1/08
renewal procedures; 20 CSR 2270-1.050; 8/1/08

licensure requirements for veterinarians

internship or veterinary candidacy program; 20 CSR 2270-2.021; 8/15/08
licensure (exemption); 20 CSR 2270-2.051; 8/1/08
reciprocity; 20 CSR 2270-2.060; 8/1/08

RULEMAKING 1-2-3

DRAFTING AND STYLE MANUAL



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The Administrative Rules Division has copies of the Rulemaking Manual available for state agencies to assist in preparing all types of rulemakings.

For information about rule drafting classes call (573) 751-4015.

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*"The welfare of the people shall be the
supreme law."*



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Tips for Rulemaking Fiscal Impact

- Each proposed rule, amendment, or rescission must include a statement of public and private costs for compliance with the rule, for its lifetime, which will be published with the rulemaking.
- Public cost includes the expenditure of public funds, or reduction of public revenues, by any state agency or political subdivision required by, or resulting from, the rulemaking; private cost includes any expenditure or reduction in income for any business entity, of any kind or character, resulting from the rulemaking.
- For public or private cost of less than five hundred dollars (\$500), an agency is not required to file a fiscal note. However, an agency must file a fiscal note for public or private costs of five hundred dollars (\$500) or more.
- Agency estimates of the aggregate public or private cost may be expressed in terms of the annual cost with a projected increase for inflation.
- The Office of the Secretary of State (SOS) does not second-guess an agency's estimate of cost but rather checks to ensure the cost estimates provided with the rule match the calculations in any fiscal note(s).
- An agency must file an affidavit indicating that its estimate of the public cost is accurate.
- Forms for agency use in completing the affidavit and fiscal note(s) are available on the SOS website at www.sos.mo.gov/adrules/forms.asp. For further information regarding fiscal impact, please consult sections 536.200–536.215, RSMo.

Office of the Secretary of State

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10/1/08

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